

AN  
EXPOSITION  
OF CERTAINE

difficult and obscure

words, and Termes of  
the Lawes of this  
Realme.

NEWLY AMENDED

and augmented, both in French and  
English, for the helpe of such young Stu-  
dents as are desirous to attaine to the  
*knowledge of the same.*



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LONDON,

Printed for the Company of  
Stationers. 1607.

*Cum Privilegio.*



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AN

# EXPOSITION OF CERTAIN

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205/12

LONDON

Printed for the Company of

Stationers, 165

St. Dunstons Church

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FINIS.

# Termes of the Law. Fol. i.

## *1. Abatement of a Writ or Plaint.*

**A** Batemēt of a Writ or plaint, is when an act is brought by writ or plaint, wherein is lacke of sufficient & good matter, or els the matter alleaged is not certainly set downe, or if the plaintife or defendant, or place, are misnamed, or if there appeare variance betweene the writ and the specialty, or record, or that the writ or the declaration be vncertaine, or for death of the plaintife or defendant, and for diuers other like causes, then vpon those defaults, the defendant may pray that the writ or plaint may abate, that is to say, that the plaintifes suit against him may cease for that time, and that he shall begin againe his suit, and bring a new writ or plaint, if hee bee so disposed to do. But if the defendaunt in any action plead a matter in barre, for to aduail the

## *Abatement de brieue ou plaint.*

**A** Batement de brieue ou plaint, est quant vn action est portee par brieue ou plaint, en que fault sufficient & bone matter, ou autrement le matter alleage n'est certainement alleage, ou si le plaintife ou defendaunt, ou lieu, sont misnomme, ou si la appeare variance perenter le brieue & le specialty, ou recorde, ou que le brieue ou declaration sont vncertaine, ou pur mort del plaintife ou defendant, & pur diuers autres semblable causes, donques sur ceux defaults, le defendant poit prie que le brieue ou plaint abatera, cest adire, que le suit del plaintife euers luy cessera pur cest temps, & que il commencera a un temps son suit, & portera vn nouel brieue ou plaint, si soit ainsi dispose a faire. Mes si le def. en aucune action pled vn matter en barre pur aduail le  
action

## The Exposition of

action a tous iours, il ne viendra apres a pled<sup>e</sup> in abatement de b<sup>r</sup>, mes si apres il appiert in le Record q<sup>e</sup> est aucun mati<sup>r</sup> apparant pur que le b<sup>r</sup> doit estre abat, donq; le def. ou aucun aut pson, vt amicus curie poit b<sup>n</sup> plede & m<sup>re</sup> ceo in arrest de iudgement.

action for euer, he shal not come afterward to plede in abatement of the writ, but if after it appere in the record, that there is some matter apparant, for the which the writ ought to be abated, the the def. or any pers<sup>n</sup> as a friend to the court may well plede & shew the in arrest of iudgement.

Veies les titles de brieve, Misnosm, & variance en les abridgements, & le liuer appel le Digests del briefes, in quel est fort b<sup>n</sup> entreat, especialment de ceux matters.

See the titles of writ, Misnosmer & Variance in the Abridgements, and the booke called the Digests of writs, in which it is very well entreated, especialy of these matters.

Causes de Abatement de brieve ou pleint.	Fault de { sufficient } { ou bone } matter	
	Le matter nest certainement alledge,	
	Plaintiffe	{ Minosme
	defendant	
	ou lieu	
	variance enter	{ Brieve Specialtie ou Record
	uncerteintie del	{ Brieve Count ou declaration
	Mort	{ Plaintiffe ou defendant.

2 Abatement en terres.

**A** Batement en terres ou tenens est quat vn home

Abatement in landis.

**A** Batement in landes or tenements is whē a mā

dieth

dieſh ſeiſed of lands oꝝ te-  
nemens, & one þ̄ hath no  
right entreth into þ̄ ſame  
lands oꝝ tenemēts befoꝝe  
þ̄ heire maketh his entree,  
this entry of him is called  
an abatement, & he an Aba-  
tor. But if the heire en-  
ter firſt after the death of  
his aunceſſoꝝ, & the other  
enter vpon the poſſeſſiō of  
the heire, this entry of him  
is a diſſeiſin to the heire.  
Look in þ̄ book of entries  
fol. 63. c. & 205. d. & 519. e.  
Where this worde Abate-  
ment is called in latin, In-  
truſio. And I thinke it bet-  
ter to call it in latin Inter-  
poſicio, oꝝ Intratio per in-  
terpoſitionem, to make a  
difference betweene this  
word & intruſion after the  
death of the tenant foꝝ life.

3

Abbot.

**A** Bbot was þ̄ ſoueraign  
head, oꝝ chiefe of thoſe  
houſes, which when they  
ſtood were called Abbies,  
& this Abbot together w<sup>th</sup>  
the mōks of þ̄ ſame houſe,  
who were called the couē  
made a corporation: ſuch  
a ſoueraigne of any ſuch  
houſe ſhall not be charged  
by þ̄ act of his predeceſſoꝝ,

moruſt ſeiſie de terres ou  
tenemēts, & vn q̄ nad droyt  
entra en meſmes les ter-  
res, ou tenemens, deuāt q̄  
le heire fait ſon entry, ceſt  
entry de luy eſt appel vn as-  
batement, & il vn Abator.  
Mes ſile heyre enter pri-  
mes apres le mort de ſon  
anceſſor, & le auter enter  
ſur le poſſeſſion del heyre,  
ceſt entre de luy eſt vn diſ-  
ſeiſin al heyre. Vide liuer  
Dentres fol. 63. c. & 205. d.  
& 519. e. lou ceſt abatēmēt  
eſt appel en latin Intruſio.  
Et ico entende deſſre me-  
lius de appeller ceo en la-  
tine Interpoſicio, ou Intra-  
tio per interpoſitionem, de  
ſayre difference inter ceo  
& Intruſion puis mort te-  
nant pur vie.

Abbot.

**A** Bbe ſuit le Soueraigne  
teſte ou principal de ce-  
ux meſons queux quāt ils  
fuerent, fuerent appel Ab-  
bies, & cē abbe enſemble  
oueles Moygnes de m̄ le  
meſon, q̄ux fut̄ appel le  
couent, ſiē vn corpoꝝ, &  
tiel ſoueraigne de aſcun  
tiel meſon ne ſiē charge  
per act de ſon predeceſſoꝝ.

¶

## The Exposition of

Il ne soit per cōmon seale, ou put tiel chose que vient al vſe de ſon meason. Auxy vn Abbe ne ſerra charge par le det en que ſon commoigne ſuit en det deuant ſon euiſ en religion, meſq; le creditor ad de ceo vn eſpecialty, ſinon que il auoit deuenus al vſe de ſon meason: Mes les executours del cōmoigne ſerra charge oue ceo.

Vide pur ceo en le Abridgement in title, de ſouth quel veies coment aſcuns de ceux fueront electiue, aſcun pſentatiue: Et coment fueront perfect, & lour aucthoritie. Et en cel title ſont auxy comprehend tous autres Corporatiōs ſpiritual, come Prior & ſon Couent, Friers & Canons, Deane & Chapter,

### 4 *Abbettors.*

**A**bbettors ſont en diuers caſes diuerſemēt priſe: vn kind de abbettors ſont ceux q maliciouſmēt ſans droitur cauſe ou deſert, procuēt autres de ſuer faux appeales de murder ou felonie enuers homes al eintēt de troubler & greener

it be not by cōmon ſeale, or for ſuch thinges which cometh to the vſe of his houſe. Also an Abbot ſhall not be charged for the debt of his Monke before his entre in religion, though the creditor haue an eſpecialty thereof, except that it haue come to the vſe of his houſe: But the executours of the Monke ſhalbe charged therewith.

Looke for this in the Abridgements the ſame title, vnder which you ſhall ſee that ſome of them were electiue, ſome preſentatiue. And how they were made gouernours, and their aucthoritie. And in this title are alſo comprehended all other Corporations ſpiritual, as Prior & his Couent, Friers & Canons, Deane and Chapter.

### *Abbettors.*

**A**bbettors are in diuers caſes diuerſly taken: one kind of abbettors are they that maliciously without cauſe or deſert do procure other to ſue falſe appeales of murder or felony agaiſt men, to the intent to trouble & greene them,

them, and to bring them to infamy and slander. Abbetors in murders are those that commaund, procure, counsell, or comfort others to murder. And in some case such abbetors shall bee taken as principals, & in some case but as accessories: So in other felonies. And their presence at the deed doing, & their absence maketh a difference in the case. There are abbetors also in treason, but they are in case as principals, for in treason there are no accessories.

Looke more in the book called the Plees of the Crown, made by the right worshipfull Judge Sir W. Stamford, in the titles of Accessories, and Damages in appeal.

**Abeyancy.**

A Beiance is when a lease is made for terme of life, the remainder to the right heirs of A. S. which A. S. is living at the time of the grant; now by this grant the remainder passeth from the grauntour presently, yet it becometh not present

eux, & pur faire eux en infamy & slander. Abbetors in murder sont ceux que commaund, procure, counsell, ou comfort auters de murder. Et en aucun case tiel abbetors seront prises come principals, & en aucun case forsqu' come accessories: Il s'ent en autres felonies. Et leur presence a le chose fait, & leur absence de la fait vn difference en le case. Il y ad abbetté auxy en Treason, mes ils sont en cas come principals, car en treason il ny ad aucun accessories.

Veies plus de ceo en le lieu appell les Plees del Crowne, compile par le tresreuerend Iudge Sir W. Stamford, en les titles de Accessories, & Damages en appeale.

**Abeyancy.**

A Beiance est quant vn lease est fait pur terme de vie, le remainder al droit heirs de A. S. le quel A. S. est en vie al temps del grant, Ore per cest grant le remainder passa hors del grauntor maintenant, vncore il ne vesta mayntenant,



## The Exposition of

tenant, ne prist effect en le  
grantee, cest adire le droyt  
heire de I. S. mes est dit  
deste en abeyance, ou come  
les Logiciens appelle ceo  
in porentia, ou in intel-  
lectu, & come nous diom-  
us in nubibus, cest asca-  
uoir, en le consideration  
de le ley, Que si I. S. mor-  
rust eyant vn droit heyre  
en vie, & viuant le lessee  
pur vie, donques ceo est  
vn bone remainder, & a  
ore vesse & vient en le dit  
droit heire, en tiel sort que  
il poyt graunt, forfeit, ou  
autrement dispose ceo, &  
cella deste ore en abey-  
ance, pur ceo que il est vu  
a ore de abilitie pur pren-  
der ces, pur ceo que I. S. est  
mort & ad reliquishe vn  
droyt heyre en vie, le quel  
ne poit estre viuant I. S. car  
durât son vie nul poit pro-  
perment estre dit son heyre.  
Iré si vn homie soit patron  
dun Eglise, & present au-  
ter a ceo, Ore est le fee des  
terres ou tenements per-  
teynant al rectory en le  
parson, mes si le pson mor-  
rust & le Eglise est de-  
uenus voyd, donque est le  
fee en abeyance, tanque

ly, nor taketh hold in the  
grantee, that is to say, the  
right heire of J. S. but is  
said to be in abeyance, or  
els as the Logicians  
terme it in power, or in  
vnderstanding, and as we  
say in the cloudes, that is  
to wit, in the consideration  
of the Law, That if J.  
S. die hauing a right  
heir, & tuing, the lessee for  
life, then this is a good re-  
mainder, & now besteth &  
commeth into the right  
heire in such sort, as thus  
he may graunt, forfeit, or  
otherwise dispose the same  
& ceaseth to bee any moze  
in abeyance, for that there  
is one now of abilitie to  
take it because that J. S.  
is dead, & hath left a right  
heire in life, which could  
not be liuing J. S. for þ  
during his life none could  
properly be said his heyre.  
Also if a man be patron of  
a Church, & presenteth one  
to the same. Now is þ fee  
of the lands & tenements  
pertaining to the rectory  
in the parson, but if the  
parson die & the church is  
become void, then is the  
fee in abeyance, untill  
there

there bee a newe Parson presented, admitted, and inducted, for the Patron hath not the fee, but onely the right to present, and the fee is in the incumbent that is presented, and after his death, it is in no bodie but in obeiance, till there be a new incumbent as is aforesaid.

See Lit. his 3. booke c. 11. fol. 145. And Park. fol. 12.

6 *Absherling.*

**A** Bisherling (and in some copies *Misherling*) is to be quit of amercedments before whomsoever of transgression proved.

7 *Abiuration.*

**A** Biuration is an oth that a man or woman shall take when they have committed felony, & flee to the Church or Churchyard, or to any other place privileged for safeguard of their lives, choosing rather perpetual banishment out of the realm, than to stand to the law & to be tried of felony, in which case before the Coroner he shall make such confession, which may make a sufficient indite-

il soit vn nouvel Parson present admit & inductar, le Patron nad le fee, mes seulement le droit de presenter, & le fee est in le incumbent, que est present, & puis son mort, il nest en aucun mes en obeiance, tant que il soit vn nouvel incumbent come est auant dit.

Veyes Lit. lib. 3. Cap. 11. fol. 145. & Park. fol. 12.

*Abisherling.*

**A** Bisherling (& in alcuni copie *Misherling*) hoc est quietum esse de amerciamētis corā quibuscunq; de transgressionē probata.

*Abiuration.*

**A** Biuration est vn serement, q̄ home ou femme preynouat quant ils ont commise felonie, & fue al Esglise ou cemitorie, ou autre lieu privileged pur tuitiō de lour vyes, esliant plustost ppetual banishment hors de Realme, que a estoier a le ley, & deliretrie del felony. En cel case deuant le Coroner il ferra tel confession que puit faire sufficient endyte-

# The Exposition of

ment de felony, donques le Coroner al common ley luy ferra de abiure le Realme, & assignera a luy a quel Port il alera; & luy iura que il ne va hors del hault chemin, & que il ne demurra a le port, (si il poit auer bone passage) forsque vn flood & vn ebbe, & si il ne poit auer passage, que il alera chescun iour durant xl. iours en la mere a son gent: Mes si tiel felon que abiure ala hors de la chemin, & fu a auter lieu, si il soit prise, il serra amene deuant le Iudge, & la auera iudgement destre pendus. Mes si que issint pria la priuiledge ne voille abiure, donques il auera la priuiledge pur xl. iours; & chescun poit luy doner vyand. Mes si ascun done luy vyand apres xl. iours, mesque il soit sa feme, tiel doner est felonie. Auxy cestuy que abiure serra deliuer per vn Constable al auer, & de vn franchise al auter, tanque il viuent a son port, & si le ment of felonie, then the Coroner at the common law shall make him to forswear the Realm; & that he shall go, & shall swear him that he goe not out of the high way; & that he should not abide at þe port (if he may haue good passage) but one flood & one ebbe; & if he cannot haue passage, then he shall goe euery day during xl. daies in þe sea to the next: But if such a felon as abiureth goe out of the high way, & flyeth to another place, if he be taken, hee shall be brought before þe Iudge, & there that haue iudgement to be hanged. But if he which so prayeth the priuiledge will not abide, hee shall haue the priuiledge for xl. daies; & euery man may giue him meate and drink. But if any giue him sustenance after xl. daies, although it be his wife, such giuing is felony. And he that doth abjure that he be deliuered from one Constable to another, & from one franchise to another, that he come to his port, and

and if the Constable will not receiue him, hee shalbe grieuouſly amerced. Look p oath in the Treatise de Abiuratione Latronum.

And this law was instituted by S. Edward the Confessor, a King of this Realme before the Conquest, and was groundeD vpon the law of mercie, & for the loue and reuerence no doubt that hee & other his successors did beare vnto the house of God, or place of prayer and administration of his sword & sacraments, which we call the Church. Note this law is now chaunged by the Statutes 21. H. 8. cap. 2. 22. H. 8. ca. 14. and 32. H. 8. cap. 12. by which it appeareth, that hee at this day shall not abiure the Realm, but all his libertie of this realme, and all his liberall and free habitations, resorts and passages from all places of this Realme, to one certaine place in this realme there to limited by 32. H. 8. c. 13 & 33. H. 8. cap. 15. Look more in Stamf. lib. 2. cap. 10.

Constable ne voit receiue luy, il serra greuouſment amerce. Vide iuramentum in tractatu de abiuratione Latronum.

Et cest ley fuit instituee per S. Edward le Confessor, vn Roy de cest Realme deuant le Conquest, & fuit ground de le ley de mercie, & pur le amour & reuerence sans doubte, que il & autres ses successors porteront al meason de Dieu, ou lieu de priers & administration de son parol & Sacraments, le quel nous appelomus le Esglise. Nota cel ley est ore changee per Statutes 21. H. 8. cap. 2. 22. H. 8. Cap. 14. & 32. H. 8. cap. 12. per queux appiert, que il a cel iour ne abiurera le Realme, eins tout son libertie de cest Realme, & tout son liberal & franke habitations, resorts, & passages de tous lieux de cest Realme, a vn certaine lieu en cel realme a ceo limit per 32. H. 8. cap. 13. & 33. H. 8. cap. 15. Vide plus inde Stamf. lib. 2. Cap. 10.

## The Exposition of

**3** *Abridgement de plaint  
ou demanda.*

**A** Bridgemēt de plaint ou demand est lou vn port Vn Assise, brieve de dower, brieve de gard, ou tiel semblables, en queux cas es pur ceo que le brieve de Assise est, de libero tenemento, come en brieve de dower, le brieve est, Rationabilem dotem que eam contingit de libero tenemento W. son baron. Et en vn brieve de gard, le brieve est Custod' terrarum & heredis &c. sans monstre ascun autre certaintie en les briefes; mes en le pleint del assise ou demand en le brieve de dower, & en le count en brieve de gard, le plaintife ou demandant monstra le certaintie des acres, ou parcells de terre, la si le tenant plede Nontenure, ou iointenancy, ou ascun autre tiel semblable plee a parcell del terre demand, en abatement del brieve, donques le plaintife ou demandant poit agbridger son plaint, ou demand al cest parcell, cē adire, il poit

*Abridgement of a plaint  
or demanda.*

**A** Bridgement of a plaint or demanda, is where one bringeth an Assise, writ of Dower, Writ of ward, or suchlike, in which cases for that the writ of Assise is, de libero tenemento, as in a writ of dower, the writ is, Rationabilem dotem que eam contingit de libero tenemento W. her husband. And in a writ of ward the writ is, Custod' terrarū & heredis &c. without shewing any certaintie in these writs: but in the pleint of the assise, or demand in the writ of dower, and in the count in the writ of ward, the plaintife or demandant is to shew the certaintie of acres, or parcells of land, then if the tenant pleadeth Nontenure, or iointenancy, or some other suchlike plee to parcell of the land demanded in abatement of the writ, then the plaintife or demandant may abridge his plaint, or demand to that parcell, this is to say, hee may leave

leauue out that part, & pray  
that the tenant shall an-  
swere the rest to which he  
hath not yet pleaded any  
thing. The cause is for  
that in such writs the cer-  
taine is not set downe,  
but is generally: and not-  
withstanding the deman-  
dant hath abridged his  
plaint or demand in part,  
yet the Writ remaigneth  
good still for the rest.

9 *Accedas ad Curiam..*

*Accedas ad Curiam*, is a  
Writ directed to the  
Sheriffe, commaunding  
him to go to such a Court  
of some Lord or franchise,  
where a plaint is sued, for  
taking of beastes as a di-  
stress, or any false iudge-  
ment is supposed to bee  
made in any suite which  
hath bin in such a Court,  
which is not a Court of  
recorde, and that the Shi-  
riffe shall there make re-  
cord of the said suite in pre-  
sence of the suitors of the  
same Court, and of foure  
other knights of the  
County, and certifie it into  
the Kinges Court, and at  
that day that is limited in  
the Writ.

omit hors cest part & prie  
que le tenant respondra al  
rest a que il ne ad vncore  
plede ascū chose. Le cause  
est pur ceo que en tiels  
brieis le certaintie nē mise,  
mes est generalmt: & nient  
obstant le demaundant ad  
abridge son plaint ou des  
maund en part, vncore le  
brieis demurre bon pur le  
residue.

*Accedas ad Curiam.*

*Accedas ad Curiam*, est  
vn brieis direct al vicōr,  
luy commaundant de aler  
a tiel court dascun Seigniz  
or ou frāchise lou vn plaint  
est sue pur prisel del auers  
come distresse, ou ascū faux  
iudgement est suppose dēe  
fait en ascun suite que suite  
en tiel court, quel nē court  
de record, & que le Vicont  
la ferra reco-d del dit suite  
en presence del suitors de  
m le Court, & de quatuor  
autres Chiualers de le cou-  
ty, & ceo record certifie  
al court le Roy, & a cel iour  
quel est assigne en le brieis.



# The Exposition of

10

*Acceptance.*

**A** Cceptance est vn prendrans en bon gree, & come vn agreement al ascun chose fait deuant, le quel puit auer este vnfait & auoide (si tiel acceptace nad estre) per luy ou ceux que issint accepta, si come pur exemple: si vn Euesq; deuant statute fait anno primo Elizabeth lesse terre part del possessions de son Euescherie pur ans reseruant rent & morust, & puis vn autre est fait Euesque, le quel accepta, cest adire, prist ou receiue le rent quant il est due & doit estre pay, ore per cest acceptance le lease est fait perfect & bon, le quel autrement le nouel Euesque poit assés bien auoide & faire frustrate.

Semblable ley est, si vn home & sa feme seisi de terres en droit del feme ioyne & font lease ou fcoffement per fait reseruant rent, & le baron morust, el accepta ou receiua le rent, per cel le fcoffement ou lease est fait perfect & bon, & serra barre a luy de porter sa bñe appel *Cui in vita.*

*Acceptance.*

**A** Cceptance is a taking in good part, and as it wers an agreeing vnto some act dñe before, which might haue bin vndone & auoided (if such acceptace had not bin) by him or the he so accepted, as for example: if a Bishop before the Statute made in the first yeare of Eliz. lease part of the possessions of his Bishoprick for term of yeeres, reseruing rent & dieth, and after another is made bishop, who accepteth, that is to say, taketh or receiue the rent whē it is due & ought to be paid, now by this acceptance the lease is made perfect and good, which els the new Bishop might very well haue auoided & made frustrate.

The like law is, if a mā & his wife seised of land in the right of the wife, toyne & make a lease or fcoffement by deed, reseruing rent, & the husband dieth, shee accepteth or receiue the rent, by this the fcoffement or lease is made perfect and good, & shal bar her to bring her wñt called *Cui in vita.*

11 Ac-

11 Accessories.

**A**ccessories are in two  
sorts, þ one before the  
offence, the other after the  
offence is done. Accessory  
before the fact, oꝝ offence,  
is he that commandeth oꝝ  
procureth another to doe  
felony, & is not there pre-  
sent himselfe when the o-  
ther doth it, but if hee bee  
present the he is also prin-  
cipall. Accessorie after the  
offence, is hee that recei-  
ueth, fauoureth, aideth, as-  
sisteth, oꝝ comforteth any  
man that hath done any  
murder, oꝝ felonie, wherof  
he hath knowledge, such  
an accessorie shall be puni-  
shed, and shal haue iudge-  
ment of life and member,  
as well as the principall wh  
did the felonie: but such an  
accessorie shal neuer be put  
to that till the principall be  
attaint oꝝ conuict, oꝝ bee  
outlawed thereupon. But  
a woman in such case shal  
not bee accessorie foꝝ hel-  
ping her husband. In great  
oꝝ high treason aswell the  
commanders as the assi-  
sters & receiuers after bee  
attainted principalls.

Also one may bee access-

Accessories.

**A**ccessories sont en deux  
sorts, l'un auant le fait,  
le autre puis le fait fait.  
Accessorie deuaunt le fait,  
est celuy que commaunda  
ou procura autre de faire  
felony, & n'est la present  
luy mesme quant l'autre  
le fait, mes sil soit present  
donques il est auxy princi-  
pall. Accessorie puis le  
fait est celuy que receiua,  
faura, aida, assist, ou com-  
fort aucun home que ad  
fait aucun murder ou felo-  
nie, dont il ad conuissance,  
tiel accessorie serra punish,  
& auera iudgement de vie  
& de member, auxy bien  
come le principall que fist  
le felonie: Mes tiel accesso-  
rie ne serra iammais mis a  
responder a ceo tanque le  
principall soit conuict ou  
attaint, ou soit vtlage de  
ceo. Mes vn feme en tiel  
case ne serra accessorie pur  
le ayder de son baron. En  
grande ou hault Treason  
cibien les commanders,  
come les assisters & recei-  
uers apres, sont tous foits  
principals.

Auxy vn poyt estre ac-  
cessory

cessorie al accessory, si cōe vn feloniousint receiue vn aut q̄ est accessory al felony, la le receiū est vn accessorie.

Veies pluis del accessory en le dit Lieur de les Pleees del Crowne, le prim Lieur, Cap. 44. 45. 46. 47. 48. 49. & 50.

12 *Action.*

**A**ction est le forme de vn suit done per le ley de recouer chose, come actio de det & tiels semblables.

Vide Lexicon Iuris pur action.

13 *Actions personals.*

**A**ctions personals sont tiels actions per queux hom claim deb̄ ou aut biens, & chateux, ou damage pur eux, ou damage pur tort fait a son pson, & est pp̄mt cel q̄ en le Ciuil ley est appel actio in personā, quæ aduersus eum intenditur, qui ex contractu vel delicto obligatus est aliquid dare aut concedere.

14 *Actions reals.*

**A**ctions reals sont tiels Actions per queux le demandant claim t̄ide al

sozie to an accessorie, as if one feloniously receiue an other that is accessorie to felonie, there the receiuer is an accessorie.

See moze of accessorie in the said booke of Plees of the Crowne the first booke cap. 44. 45. 46. 47. 48. 49. & 50.

*Action.*

**A**ction is the forme of a suit giuen by the Lawe to recouer a thing, as an action of Debt, and such like.

See the Lexicon of the Law for action.

*Actions personals.*

**A**ctiōs personals be such actions whereby a man claimeth debt or other goods and chattels, or damage for them, or damages for wrong done to his person, and it is properly that which in the ciuil law is called Actio in personam, which is brought against him who is bound by covenant or default to giue or grant any thing.

*Actions reals.*

**A**ctions reals be such actions whereby the demandant claimeth title to any

any lands or tenements,  
rents or commons, in fee  
simple, fee taile, or for  
term of life.

15 *Action populer.*

**A**Ctio populer is an ac-  
tion which is giue by  
on the breach of some pe-  
nall statute, the which ac-  
tion euery man that will,  
may sue for himselfe & the  
king, by information or  
otherwise, as the statute  
alloweth, & the case requi-  
reth. And of these actions  
there bee an infinite num-  
ber but one for example,  
as: when any of the Jury  
that are impanelled and  
sworne to passe betwene  
partie & party indifferen-  
ly, do take any thing of the  
one side or other, or of both  
parties to say their ver-  
dicts on that side, then any  
man that will within the  
yeare next following & of-  
fence made may sue a writ  
called Decies tantum, a-  
gainst him or the. & so did  
take to giue his verdict, &  
because & this actio is not  
giuen to one specially, but  
generally to any of the k.  
people as will sue, it is cal-  
led an actio populer, but in

ascun terres ou tenements,  
rents ou commons, in fee  
simple, fee taile, ou pur  
terme de vie.

*Action populer.*

**A**Ction populer est vn  
action que est done sur  
le breach d'iscupenal sta-  
ture, le q<sup>l</sup> action chescun  
home q<sup>i</sup> voit poit suer pur  
luy meisme & le Roy,  
per information ou auter-  
ment, cōe le statute allow  
& le case require. Et de ce-  
ux actions il y ad infinite  
nūber, mes vn pur exam-  
ple est: Quant ascun del Iu-  
ry que sont impanel & iu-  
rus de passer perenter par-  
ty & party indifferenmēt,  
prist ascū chose de lun part  
ou lautr, ou de ambideux  
parties pur leur verdict  
dire al ceo part, donques  
ascun home q<sup>i</sup> voit deins  
lan procheine ensuant le  
offence fait, poit suer vn  
briefe appel Decies tan-  
tum enūs luy, ou ceux q<sup>i</sup> is-  
sint prist p<sup>r</sup> leur verdict dire,  
& pur ceo que cest action  
nest done al vn home spe-  
cialment, mes generalment  
al asc<sup>i</sup> de les peopl<sup>e</sup> del R. q<sup>i</sup>  
voit suer, il est appel vn  
action populer, mes en  
Būij. cel

## The Exposition of

cel case, quant vn auoit cō-  
mence de pursuer cel acti-  
on, nul autre poit ceo suer,  
& en ceo come semble cel  
varie del action populer  
per le Ciuil ley.

16 *Action mixt.*

**A**ction mixt est vn suit  
done per la ley de re-  
couer le chose demanda,  
& auxy damages pur le  
tort fait, come en Assise  
de Nouel disseisin, quel  
briefe (s'il le disseisor fait fe-  
offement al autre) le dis-  
seisee auera vers le dissei-  
sor & le feoffee ou autre  
terre tenant, & en ceo re-  
couera son seisin del terre  
& ses dammages pur le  
mean profits, & pur le tort  
a lay fait. Et issint est vn  
action de Wast & Quare  
impedit. Mes vn action de  
Detinue nest appel action  
mixt, comt p ceo le chose  
detenus est demanda, &  
serra recouer si poit este  
troue, & damages pur le  
detain, & si ne poit estre  
troue, donq; damages pur  
la chose & la deteiner.

Mes ceo est appel sole-  
ment action personal que  
serra port soleint pur biens  
ou chateles, ou charters.

this case whē one hath be-  
gun to pursue an action,  
no other may sue it, and in  
this as it semeth this doth  
varie from an actiō popu-  
lar by the Ciuil law.

*Action mixt.*

**A**ction mixt is a suit gi-  
uen by the law to reco-  
uer the thing demanded, &  
also damages for þe wrong  
done, as in Assise of No-  
uel disseis. þe which writ (if  
þe disseisor make a feoffment  
to another) þe disseisee shall  
haue against þe disseisor, &  
the feoffee or other lād te-  
nant, & thereby shal recouer  
his seisin of the land & his  
damages for þe meane pro-  
fits, & for the wrong done  
vnto him. And so is an ac-  
tiō of Wast & Quare imp.  
But an actiō of detinue is  
not called an actiō mixt al-  
though by it þe thing with-  
held is demanded, & shalbe  
recouered if it may be found  
& damages for þe withhol-  
ding, & if it cannot be found,  
thē damages for þe thing &  
þe detaining. But þe is cal-  
led only an actiō personal,  
because that it should be  
brought only for goods &  
chateles, or charters.

17 *Action*

17 *Action of a writ.*

**A**ction of a writ, is a phrase of speech used when one pleaderh some matter, by which he sheweth þ the plaintife had no cause to haue þ writ which he brought, & yet it may be that he may haue another writ or action for the same matter: such a plea is called a plea to the action of the writ, whereas if by the plea it should appear, that the plaintife hath no cause to haue any action, for the thing demāded, thē it shall be called a plea to the actiō

18 *Action vpon the case.*

**A**ction vpon the case, is a writ brought against one for an offence done without force, as for not performing promise made by the defen. to the plaintife, or for speaking of words, by which the plaintife is defamed, or for other misdemeanors or disceit, wher the whole case shall be contained in the writ.

19 *Action vpon the Statute.*

**A**ction vpon the statute, is a writ founded vpon

*Action del briefe.*

**A**ction del briefe est vn phrase del parlance, vlc quant vn plede alcun matter, per que il monstre que le plaintife nad cause d'auer le briefe que il port, & vncore poit este que il poit auer auter briefe ou action pur mesme le matter: tiel plea est appell plea al actiō del briefe, lou si per la plea appiert que le plaintife naueroit alcun cause de auer alcun action pur le chose demand, donques ceo sera dit plea al actiō.

*Action sur le case.*

**A**ction sur le case est briefe port enuers vn pur alcun offence fait sans force, come pur nient performance del promise fait per le defendant al plaintife ou pur parlance des parols per queux le plaintife est defame, ou pur auer misdemeanor ou disceit, lou tout le case sera contenu eu le briefe.

*Action vpon the Statute.*

**A**ction sur le statute est briefe fondue sur la

case



## The Exposition of

cun estatute, lou per al-  
cun estatute vn action est  
done a vn en alcun case  
lou multiel action fuit de-  
uant: Come lou vn com-  
mit periurie al preiudice  
dun auter, celuy que est  
damnisie auera brieft sur  
le estatute & son case. Et le  
difference enter action sur  
le statute & action popu-  
ler est, que lou le statute  
done le fuit ou action al  
partie grieve, ou auter-  
ment, a vn person certain  
ceo est appel Action sur le  
statute: Mes lou ple statute  
authority est done a chesc'  
que voyle de suer, ceo est  
appel action populer.

20

### *Accompt.*

**A**CCompt est vn brieft,  
& gift lou Baylife ou  
receiuer dalcun Seignour  
ou dauter home, que doit  
render accompt, ne voit  
render son accompt, don-  
ques celuy a que l'accompt  
doit este render, auera  
cest brieft. Et per les-  
tatute de Westminster 2.  
capitulo 10. si l'accomp-  
tant soit troue in arrears

any Statute, where by any  
Statute an action is giuen  
to one in any case where  
no action was before: As  
where one comitteth per-  
turbe to the preiudice of an  
other, hee which is inda-  
maged shall haue a Writ  
vpon the Statute & his case,  
And the difference between  
an action vpon the Statute  
& action populer is, that  
where the Statute giueth  
the suit or actiō, to the par-  
ty grieved, or otherwise to  
one person certaine, that  
is called action vpon the  
Statute: But where by  
the Statute authoritie is  
giuen to every one that  
will so sue, that is termed  
action Populer.

### *Accompt.*

**A**CCompt is a writ, and  
it lyeth where a Bailife  
or a Receiuer to any Lord  
or other mā, which ought  
to render account, will not  
giue his account, thē he to  
whō the account ought to  
bee giuen, shall haue this  
Writte. And by the Sta-  
tute of Westminster 2.  
Chap. 10. if the Accomp-  
tant bee found in arrears  
ges

ges, the Auditors which be assigned to him, haue power to award him to prison, there to abide til he haue made agreement to the partie. But if the Auditors will not allow reasonable expence, and costes, or if they charge him with more receits then they ought then his next friend that will sue for him, shall sue a writ of Ex parte talis out of the Chauncery directed to the Sherife to take foure mainpernours to bring his bodie before the Barons of the Exchequer at a certaine day, and to warn the Lord to appeare there at a certaine day.

ges, les Auditors que sont a luy assignes, ont power de agarder luy a prison la a demurrer tanque il ad fait gree al party. Mes siles Auditors ne voillor allower reasonable expence & costage, ou s'ils chargeront luy oue plusors reiceptes quant ne duissent, donques son procheine amy, q' veyt fuer pur luy, suera vn brieve de Ex parte talis hors del Chauncerie, direct al Vicount de prender 4. maynpernours de red' son corpz deuant les Barons del Exchequer a certaine iour, & de garner le Scignior d'ap-  
pearer la a in le iour.

21 Accord.

**A**CCORD is agreemēt between two at the least, to satisfie an offence y the one hath made to the other, when a man hath done a trespassse, or such like vnto another, for the which he hath agreed with him to satisfie & content him with some recompence, which if it be executed and pformed, then because that this recompence is a full

Accord.

**A**CCORD est vn agreemēt penter deux al meynes pur satisfie vn offence que le vn ad fait al autre, Quante vn home ad fait vn trespassse ou tiel semblable al autre, pur le quel il ad agreee one luy de satisfier & content luy oue recompence, quel si soyt executed & perform, donques pur ceo que cest recompence, est vn pleine

## The Exposition of

satisfaction pur le offence,  
il serra vn bon barre en le  
ley, si laurer apres l'accord  
perfourme, voit suer arere  
vn action pur mesme le  
trespas.

Nota que le primer est  
pprement appelle vn Ac-  
cord, le aut est vn cōtract.

22

*Acquitall.*

**A**Cquitall est quant il y  
ad Seignior, mesne, &  
tenaunt, & le tenant tient  
de le mesne certeine terres  
ou tenements en frankal-  
moigne, frankemariage,  
ou tiels semblables, & le  
mesne tient ouster auxy de  
le Seignior paramount ou  
deuant luy. Ore doit le  
mesne acquite ou dis-  
charge le tenaunt, de tout  
& chescun maner de ser-  
uice, que ascun anter voit  
auer ou demaund de luy  
cōcernant mesmes les ters  
ou tenements, pur ceo que  
le tenant doit faire le ser-  
uice a le mesne tantsole-  
ment, & nemy al diuers  
Seigniors pur vn tenemēt,  
ou parcel del terre. Mesme  
le ley est ou il est Sfr, mesn,  
& tenant come auant dir,  
& le mesne granta al tenāt  
(sur le tenāt fait pent eux)

satisfaction for the offence,  
it shall be a good barre in  
the lawe, if the other at-  
ter the accorde perfoymed,  
should sue again any acti-  
on for the same trespass.

Note that the first is  
properly called an accord,  
the other a contract.

*Acquitall.*

**A**Cquitall is where there  
is a Lord, mesne, and  
tenant, and the tenant holds  
of the mesne certeine  
lands or tenements in frank-  
almoigne, frankmarriage,  
or such like, and the mesne  
holdeth ouer also of þe lord  
paramount, or aboue him.  
Now ought the mesne to  
acquitte or discharge the te-  
nant, of all & euery maner  
of seruice, þany other wold  
haue or demaund of him,  
cōcerning the same lands  
or tenements, for that the  
tenant must do his seruice  
to the mesne only, and not  
to diuers Lordes for one  
tenemēt or parcel of land.  
The same Lawe is where  
there is one Lord, mesne,  
and tenant as aforesaide,  
and the mesne graunteth  
to the tenant (vpon the te-  
nure made between them)

to

to acquite and discharge him of all rents, seruices, and such like: This discharge is called acquittal.

Like lawe is if the tenāt holdeth of his mesne by like seruices, as the mesne holdeth ouer of the Lord, & the tenant doth oꝝ payeth his seruices to the mesne, but the mesne doth not his seruices to the chiefe lord, wherfore hee distraineth the beasts of the tenāt: In this case the mesne foꝝ the equalnesse of the seruices ought to acquite the tenāt of the seruice due vnto the Lord.

Acquittance.

**A**cquittance, is a discharge in wyting of a summe of money, oꝝ other duetie which ought to bee payed oꝝ done: As if one bee bound to pay money vpon an obligation, oꝝ rent reserved vpon a lease, oꝝ such like, and the partie to whome the money oꝝ dutie should bee payed oꝝ done, vpon the receipte thereof, oꝝ vpon other agreement, betweene them had, maketh a wyting oꝝ bill of his hands, in discharge

pur acquiter & discharger luy de tous rents, seruices & tiels-séblables: Cest discharge est appel Acquitall.

Mesme le ley est, si tenāt tient de son mesne per autiels seruices, cōe le mesne tient ouster del Seignior, & le tenant fayt ou paye seruices al mesne, mes le mesne ne fesoit ses seruices al Seignior paramoūt, per que il distreine les beasts del tenāt: en cel case le mesne pur le oueltie del seruices doyt acquiter le tenant del seruices due al Seignior.

23 Acquittance.

**A**cquittance, est vn discharge en escript dun summe de mony, ou autre duetie, quel doit este paye ou fait: si come vn soyt oblige de payer money sur vn obligation, ou rent reservee sur vn lease, ou tiel semblable, & le partie a que le mony ou duery doit este pay, ou fait, sur le receipte de ceo, ou sur autre agreement parenter euz ewe, fait escript, ou bill de son mayne en discharge de

## The Exposition of

de ceo testimoiaunt que il est paye, ou autermēt content, & pur ceo acquite, & discharge luy de ceo, le q̄l acquitace est riel discharge & barre en le ley, que il ne poyt demand & recouer mesme le summe ou durie aurer foits contra a ceo, sil poit monstre le acquitance.

Cest paroll differt ab hoc quod in Iure ciuili acceptatio dicitur, quia illud fieri potest verbo sine scripto, & nihil aliud est quam ficta solutio & liberatio, licet solutio nō sit: nec Apocha dici potest, quā cautio est solutę datę pecunię, quę nō liberat nisi pecunia soluta sit.

24

*Acts.*

**A**Cts de Parliament sont leyes positieue que consist de deux parts cest adū de les parols del aēt, & del sence de ceo, & ils ambz deux ioynt ensemble sont la ley.

25

*Additions.*

**A**Ddition, est ceo que est done al home ouster

thereof, witnessing that he is paid, or otherwise contented, and therefore doth acquite and discharge him of the same, which acquitance is such a discharge & barre in the law, that hee cannot demand and recouer that summe or dutie againe. contrarie therunto, if he shew the acquitance.

This worde differeth from those which in þe Civill law be called Acceptatio, or Apocha, because Acceptatio may be by word without writing, & is nothing but a fained payment and discharge, though no payment bee had. And apocha is a writing witnessing the payment or deliuey of money which dischargeh not vntlesse the money be paid.

*Acts.*

**A**Cts of parliament, are positive Lawes which consist of two parts, that is to say, of the wordes of the Acts, and of the sence thereof, & they both toynd together make the law.

*Additions.*

**A**Ddition, is that which is giuen vnto a man o-  
uer

uer and besides his proper name and surname, that is to say, to shew of what estate or degree, or misterie hee is, and of what Towne or Hamlet, or Countie.

Additions of estate are these, yeoman, gentleman, Esquire, and such like.

Additions of degree are those that wee call names of dignitie, as Knight, Erie, Marques & Duke.

Additions of misterie are such, scriuener, painter, mason, carpenter, taylor, smith, and so all other of like nature, for misterie is the craft or occupation whereby a man getteth his liuing.

Additions of townes as Sale, Dale, and such others, and so of the rest.

And where a man hath household in two places he shall be said to dwell in both of them, so that his addition in one of them doth suffice.

By the statute the first yearre of H. the 5. & Chapter the 5. it was ordained that in suites or in actions where process of bilaga-

son proper nosme & surname, cest adire, pur monstrer, de quel estat, ou degree, ou misterie il est, & de que Ville ou Hamlet, ou Countie.

Additions de estat sont ceux, yeoman, gentleman, Esquire, & tiels seblables.

Additions de degree sont ceux q nous appellomus nosmes de dignitie, come Chivalier, Counte, Marques, & Dux.

Additions de misterie sont ceux, scriuener, painter, mason, carpenter, taylor, smith, & issint toutes autres de semblable nature, car misterie e le craft ou occupation, per que home gaine son liuing.

Additions de villes cõe Sale, Dale, & tiels autres, & issint de les autres.

Et lou vn home ad household en deux lieux, il serra dit demur en ambideux, issint que son addition en vn de eux suffist.

Fuit ordeine per lestatute Anno 1. Henrici 5. Cap. 5. que en suites ou actions, ou proces diligencie

## The Exposition of

lagarie gift, tiels additions serra al nosme defendant, a declarer son estate, misterie & lieu ou il enhabite, & que tiels briefes abateront s'ils ne ount tiels additions, si le defendant prist exception a ceo, mes ils ne abateront per office del Court.

Auxy Duke, Marquesse, Counte, ou Chivaler ne sont pas de ceux additiōs, mes nosmes de dignitie, quenx duillont auer estre done deuant le Statute.

Et ceo suit ordeigne per le dit Statute fait en le primer an de Roy H. le 5. cap. 5. al intent q̄ vn home ne serroit greue ne trouble per le vilagarie de vn autre: Mes que per reason de le certayne addition, chescun home poyt estre certainmēt conus, & portera sa burden demesne,

### 26 *Adiournement.*

**A**Diournement est quant ascun Court est dissolue & determine, & assigne destre garde arriere al autre lieu ou temps, & moy semble est com-

re lyeth, such additions should bee to the name of the def. to shew his estate misterie and place where he dwelleth, and that such writs shall abate, if they have not such additions, if the defendant take exception thereto, but they shall not abate by the office of the Court.

Also Duke, Marques, Earle, or Knight bee none of that addition, but names of dignitie, which should have bin giuen before the Statute.

And this was ordeined by the said Statute made in the first yeece of King H. the 5. cap. 5. to the intent, that one man might not bee griued nor troubled by the vilarie of another: But that by reason of the certayne addition, every man might bee certainly knowne and beare his owne burden.

### *Adiournement.*

**A**Diournement is when any Court is dissolued and determined, and assigned to bee kept againe at another place or time, and me thinketh is compounded



bed of two wordes (ad) oꝝ pound de deux parolx(ad)  
(al)and iour. ou(al)& iour.

27 Admeasurement de  
Dower.

*Admeasurement de  
Dower.*

**A**Dmeasurement de dower  
is a writ, and it lieth  
where a womā is endow-  
ed by an infant, oꝝ by a  
gardein of moze then shee  
ought to haue, the heire in  
such case shall haue this  
writ, by the which the wo-  
man shalbe admeasured, &  
the heir restored to h̄ over-  
plus. But if one abate h̄ is  
to say, one which hath no  
right entreth after h̄ death  
of the husband, and indow  
the wife of him h̄ is dead,  
of moze then she ought to  
haue, the heire shall not  
haue this writ, but Assise  
of Mordauncester, against  
the woman, & if she plead h̄  
shee was endowed of the  
land as of the freehold of  
her husband, the heire shal  
shew how she was endow-  
ed by the abator, and that  
she had moze th̄ she ought  
to haue, & shal pray that he  
may be restored to the sur-  
plusage, & if it be found, he  
shalbe restored.

**A**Dmeasurement de dower  
est vn brieve, & gist lou  
vn feme est endow per vn  
infant, ou per vn gardeine  
de plus que deuoit auer, le  
heire entiel case auera cest  
brieve, per quel le feme ser-  
ra admeasure, & le heire  
restore a le surplusage. Mes  
si vn abate, cest adire, vn  
que nad droit enter apres  
le mort le baron, & endow  
la feme de cestuy que est  
mort, de plus que doit au,  
le heire nauera cest brieve  
mes Assise de Mordaunce-  
ster vers la fem, & si el pled  
que el fuit endowe de ceo  
terre come del franktene-  
ment la baron, le heir mō.  
stra coment el fuit endowe  
per le abator, & que el ad  
plus que deuoit auer, &  
prierā que il soit restore al  
surplusage, & si soit troue,  
il serra restore.

C Ad-

# The Exposition of

28 *Admeasurement de  
pasture.*

**A**Dmeasurement de pasture, est vn briefe, & gist lou plusieurs tenants ont common appendant en autre terre, & vn surcharge le commo oue plusieurs auers: Donques lauters comuners poient auer cest briefe vers luy, & auxy poit estre port per vn comuner seulement, mes donques couient estre port vers tous lauters comuners, & vers cesty que surcharge, pur ceo q̄ tous les comuners serront admesures.

Et cest briefe ne gist vers luy, ne pur luy que ad common appartenant, ou common in gresse, mes ceux q̄ ont common appendant ou common per cause de visinage.

Vide le diuersite de tous ceux commons apres en le title de Common.

Auxy cest briefe ne gist pur le Seignior, ne vers le Seignior, mes le Seignior poit distraire les auers le tenant que sont surplusage. Mes si le Seignior surcharge le common, les

*Admeasurement de  
pasture.*

**A**Dmeasurement de pasture is a writ, & it lyeth where many tenants haue common appendant in another ground, & one ouerchargeth the commo with many beasts: Then the other comuners may haue this writ against him, and also it may bee brought by one comuner onely: but then it behooueth to bee brought against all the other comuners, and against him that surcharged, for that all the comuners shalbe admeasured.

And this writ lyeth not against him, nor for him ȳ hath common appartenant or common in gresse, but them which haue common appendant, or common by cause of visinage.

See the diuersite of all these commons afterwards in the title of Common.

Also this writ lyeth not for the Lord, nor against the Lord, but the lord may distraine the beasts of the tenant that be surplusage. But if the Lord ouercharge the Common, the com-

commoner hath no remedie by the cōmon law, but an Assise of his common.

29 *Administrator.*

**A**Dministrator is hee to whom the ordinary committeth the administratiō of the goods of a dead mā for default of an executor, & an action shal be agāinst him and for him, as for an executor, & he shal be charged to the value of the goods of the dead man & no further, if it be not by his own false plee, or for that hee hath wasted the goods of the dead. But if the administrator die, his executors be not administrators, but it behooueth the ordinary to commit a new administratiō: But if a stranger he is not administrator nor executor take the goods of the dead, and administer of his own wōg, hee shall be charged & sued as an executor, and not as administrator in any actiō that is brought agāinst him by any creditor. But if the Ordinarie make a letter ad Colligendum bona defuncti, hee that hath such a letter is not admini-

commoners nont remedie p le common ley, mes vn Assise de son common.

*Administrator.*

**A**Dministrator est celuy a que le ordinary commit le administration des biens le mort pur default de executors, & action gist vers luy, & pur luy come pur executor, & sera charge iesques al value des biens le mort & nient ouster, si ne soit per son faux plee, ou pur ceo que il ad wast les biens le mort. Mes si le administratour deuie, ses executors ne sont administrators, mes couient al Ordinarie de commit nouel administratiō: Mes si vn estrange que nest administratour ne executor prist les biens le mort & administer de sont tort de meisme, il sera charge & sue come executor, & nemy come administrator en aucun action que est port vers luy per aucun creditor. Mes si le ordinary fait vn briefe ad Colligendum bona defuncti, celuy que ad tiel letter nest admini-

Cij, strator

## The Exposition of

strator, mes l'actiō gist vers  
le ordinary auxi biē come  
sil prist les biēs en son main  
demesne ou p le maine de  
ascun de les seruants p au-  
ter commandement.

30

*Admirall.*

**A**Dmirall est vn officer  
l'ouche le Roy, que  
ad auctoritie sur le mere  
tantum, pur veier le nauie  
repaire & maintaine pur  
supprimer & chaser dehors  
effimures de mere, & de  
faire droit de contractes  
perenter partie & partie,  
concernant chose fait sur  
& ouster le mere, & pur  
cest purpose il ad son court  
appelle Admiraltie. Il poit  
causer son Citation de-  
stre serue sur le terre &  
prendre le corps del party  
ou biens en execution sur  
le terre.

Itē il ad cognifance del  
mort ou maihem de vn  
home fait en ascun grand  
niefte fleetant en graunde  
ryuers en le Realme, de-  
base les pōtes de eux pro-  
chein al mere.

Auxy pur arrest niefes  
en les graund streames pur  
les voyages del Roy &  
realme, & ad iurisdiction

strator, but the actiō lyeth  
against the Ordinarie as  
well as if he took h goods  
to his own hand, or by the  
hād of any of his seruantes  
by any other cōmādemēt.

*Admirall.*

**A**Dmirall is an Officer  
vnder the King, that  
hath authoritie vpon the  
Sea only to see the nauie  
prepared and maintained  
to suppress & chase away  
robbers and rouers, and  
to iudge of contractes, be-  
twene partie and partie,  
concerning things done  
vpon and beyond the seas,  
e for that purpose he hath  
his Court called the Ad-  
miraltie. Hee may cause  
his Citation to bee serued  
vpon the land, & take the  
parties body or goods in  
execution vpon the land.

And also he hath cogni-  
fāce of the death or mai-  
hem of a man committed  
in any great ship fleeing  
in great Riuers in the  
realm, beneath the bridges  
of the same next the sea.

Also to arrest ships in h  
great streams for the voi-  
ages of the R. & Realme,  
and hath iurisdiction in  
the

the said Streames during the same voyages.

31 *Ad quod damnum.*

**A**D quod damnum is a writ which ought to be sued befoze h. k. grant certaine liberties : as a Faire, Market, or such like which may be prejudiciall to others. And by it shalbe inquired if it should be a prejudice to graunt them, & to whom it shal be prejudicial, and what prejudice shal come thereby.

32 *Aduouſon.*

**A**Duouſon is where a man & his heires haue right to present their clerk to the Ordinary to a parsonage, or other spirituall benefice when it becometh void. And he which hath such right to present is called Patron.

33 *Age prier.*

**A**Ge prier is whē an action is brought against an Infant of lands which hee hath by descent, there he shall shew the matter to the court, & shall pray that the action may stay till his full age of xxi. yeares, & so by awarde of the Court, the suit shall surcease.

en les dits Streames durāt meſme viages.

*Ad quod damnum.*

**A**D quod damnum est vn brieve que doit este sue deuant le Roy graunt certaine liberties : Come Faire, Market, outiels semblables queux poient este prejudicial al auters. Et per ceo serra inquisie si seroit prejudice a graunter eux, & a que serra prejudicial, & que prejudice ent auendra.

*Aduouſon.*

**A**Duouſon est lou vn home & ses heires ont droit de presenter leur clerke al Ordinarie al vn personage, ou auter espiritual benefice quāt il deuiet void. Et celuy que adtiel droit de presenter est appel patron.

*Age prier.*

**A**Ge prier est quant action est port vers enfant de terre que il ad per descent, la il monstra le matter al court, & priera que le action demurra tanque a son plein age de xxi. ans, & issint p agard de Court le suit surcellera.

## The Exposition of

Mes en brieve de dower & en Aillise, & auxy en tiels actions lon le instant est suppose a vener al terre en demaund de son tort demesne, il nauera sa age.

Auxy nota que sont plusors diuersities de ages: car le Seignior auera ayde de son tenaunt en Socage pur marrier sa fille, quant la fille le Seignior est del age de sept ans. Et auxy aide pur faire son fites & heire chiualler, quant il est del age de sept ans.

Auxy feme que est espouse al age de ix. ans, si la baron morust seisi auera Dower, & nemy deuant ix. ans.

Auxy xiiij. ans est le age de teme que ne sera engard, si el fuit de tiel age, al temps del mort son auncester, mes si el fuit deins age de xiiij. ans, & engard son Seignior, donques el terra engard ranque al age de xvj. ans. Et auxy xxj. ans est le age de heire male deslire en gard, & apres ces hors de gard.

But in a writ of Dower and in Aillise, and also in such actions where the instant is supposed to come to the land demaunded by his owne wrong, hee shal not haue his age.

Also note wel þ there be many diuersities of ages, for the Lord shal haue aid of his tenaunt in Socage for to marry his daughter when the daughter of the Lord is of the age of viij. yeares. And also aide for to make his sonne a heire knight, when he is of the age of viij. yeares.

Also a woman which is married at the age of ix. yeares, if her husband die seised shal haue dower, & not before nine yeares.

Also xiiij. yeares is the age of a woman that shee shall not be in ward if she were of such age at þ time of þ death of her ancestoz, but if she were within the age of 14. yeares, & in ward of the Lord, the she shal be in ward till the age of xvj. yeares. And also 21. yeares is the age of the heire male to bee in ward, and after that out of ward.

And

And also it is the age of male and female to sue and to be sued of lands which they haue or claime by descent, & to make all manner of contracts & bargains, & not before: but if such an infant within the age of 21. yeeres giue his goods & he donce take the, the infant may haue an action of trespass, but otherwise it is if he deliuer them himselfe.

Et auxy il est le age de male & female de suer & destre sue des terres, que ils oint ou clayme per descent & de faire tous maners contracts & bargains & nient deuant: mes si tel infant deins age de 21. ans donec ses biens, & le donec eux prisi, le enfaunt poyt auer vn action de trespass, mes autrement il est fil deliuer eux.

24 Agreement.

**A** Greement, is after this sort defined or expounded in Maister Plowdens Commentaries. Aggrementum is a worde compounded of two wordes, namely, of Aggregatio, & Mentium, that is to say, Agreement of mindes, so that agreement is a consent of mindes in some things done, or to be done, and by drawing together of the two wordes, Aggregatio and Mentium, and by the haste and short pronouncing of them they be made one worde, to witte, Aggrementum, which is no other thing, then a toying, putting,

Agreement.

**A** Greement, est en cest manner define ou expounde en Mayster Plowdens Commentaries. Aggrementum, est vn parol compounde de deux parolx, cest ascauoir, de Aggregatio & Mentium, cest adire agreement de ments, issint que Aggrementum est Aggregatio mentium in re aliqua facta vel facienda, & per le contraction de les deux parolx, Aggregatio & Mentium, & per le correpte & brieue parlance de eux, ils sont fait vn paroll, cest ascauoir, Aggrementum, le quel n'est autre chose, que vn vnion, collecte



## The Exposition of

copulation & coniuncti-  
on de deux ou plusieurs  
mens in ascun chose fait  
ou desle fait. (Veies apres  
en testament.) Et cest a-  
greement est en 3. man-  
ners.

Le primer est vn agree-  
ment executé en fait al cō-  
mencement.

Le second, est vn agree-  
ment puis vn act fait par lui, &  
est vn agreement executé  
auxy.

Le tierce est vn agreement  
executory ou dēc fait en  
temps vncō a ven.

Le prim que est vn agree-  
ment executé en fait al cō-  
mencement, est tiel de que  
mention est fait en le sta-  
tute de 15. Edward. 3. ca. 3.  
de pannis in le quart Sta-  
tute q̄ dit, que les biens &  
choies achates par forestal-  
lers, que de ceo serront at-  
taints, soient forfaits al  
Roy, si le achator ent vlt  
fait gree al vendor. En quel  
case, cest parol (Gree) que  
est autrement appel agreement,  
serra entende agreement  
execute, viz. paiement par  
les choses,

copling and knitting toge-  
ther of two or moe minds  
in any thing done or to be  
done. (See after in Tes-  
tament.) And this a-  
greement is in three man-  
ners.

The first is an agree-  
ment executed already at  
the beginning.

The second is an agree-  
ment after an act done by  
another, and is an agree-  
ment executed also.

The third is an agree-  
ment executory, or to be  
done in time yet to come.

The first which is an  
agreement executed already  
at the beginning, is such,  
whereof mention is made  
in the Stat. of 15. Ed. 3. cap.  
3. of clothes in the fourth  
Stat. which saith, That the  
goods and things bought  
by forestallers, being ther-  
of attainted, shalbe forfeit  
to the King, if the buyer  
thereof haue made gree  
with the seller. In which  
case the word (gree) which  
is otherwise called agree-  
ment, shall be understoode  
agreement executed, that  
is, payment for the  
things.

The

The second maner of a greemēt is where one doth a thing, or act, & another agrees. or assents thereto afterwards, as if one do a disseisin to my vse, & afterward I agree to it, now I shall bee disseisor from the beginning, and such agreement is an agreement after an act done.

The third agreement is when both parties at one time are agreed that such a thing shalbe dōe in time to come, and this agreement is executorie in as much as the thing shall be done after, and yet there, their minds agreed at one time, But because the performance shalbe afterward and the thing vpon which the agreement was made, remaines to bee done, that agreement shal be said executorie. And that the Statute of 26.H.8.cap.3. doth proue where it saith, that euerie bicar, parson, & such like, &c. before their actual possession, or medling w<sup>th</sup> the profits of their benefices shall satisfie, cōtent &c. or agree to pay to the R. the first fruits, &c. & if

Le second maner de agreement est lou vn fait vn chose ou acte, & vn auter agree ou assent a ceo apres, come si vn fait disseisin a mon vse, & apres ieo agree a ceo, ore ieo serra disseisor ab initio, & tiel agreement est vn agreement puy vn acte fait.

Le tierce agreement est quant ambideux parties a vn temps sont accords que tiel chose serra fait en temps a vener, & ceo agrement est executorie, en tant que le chose serra fait apres, & vncore la, lour ments accord a vn temps. Mes en tant que le performance serra apres, & issint le chose sur que lagrement fuit fait, remaine a faire, ceo agrement serra dic executorie. Et ceole statute 26.H.8.cap.3. proue, ou il dit, que chescun Vicar, Parson, & tiel &c. deuaunt lour actual possession ou medling oue les profits de lour benefice satisfiera, contér, &c. ou agree a payer al vse le Roy les primer fruits &c. Et si aucun

## The Exposition of

ascun tiel Parson, vic' &c. enter en actual possession, &c. ceo agreement est d'ee entende executory, come le common vlage proue, car est vse, q' il oue vn ou ij. oue lay faict deux vel trois obligations pur ceo destre payen certaine iours apz, & cest agreement executory, est deuide en deux poynts. Vn est agreement executorie, que est certain al commencement, com est dit darreyn deuât del prim fruitz.

L'auter est lou le certain- tie nappiert al primez & lez parties sont accords q' le chose serra performe, ou pay sur le certain- tie conus come si vn vend al auter tout son wheat en tiel tasse en son barne nient thresh, & il est agree parenter eux, que il payera pur chescun bushell 12.d. quaut il est thresh, cleane, & mea- sure.

35

*Ayde.*

**A**Yde, est quaut tenaunt a terme de vie, tenaunt en dower, tenaunt per le curtesie, ou tenant en taile apz possibilite d'issue ex-

any such Parson or vicar, &c. enter in actual possession, &c. this agreement is to be understood executory as is common v'se proues, for it is vsed that he with one or two with him, doe make two or three obligations for it to be paid at certaine dayes after, & this agreement executory is diuided into two pointes. One is an agreement executorie whis certaine at the beginning, as is said last before of the first fruits.

The other is where the certainie doth not appere at the first, and the parties are agreed that the thing shall be performed or paid vpon the certainie known as if one sell to another al his wheat in such a tasse of his barne withreshed, & it is agreed between them, & he shall pay for every bushell 12.d. when it is threshed cleane & measured.

*Ayde.*

**A**Yde, is when a tenaunt for terme of life, tenant in dower, tenant by curtesie, or tenant in taile after possibilite of issue ex-

tiñt is impleaded, then for that they haue no estate but for terme of life, they shall pray in ayde of him in the reuerſion & proceſſe ſhall be made by Writ againſt him, to come & pled with the tenant in the defence of the land if he will, but it behooueth that they agree in the plea, for if they vary, the plea of the tenant ſhalbe taken, and then the aide prayer is boide: but if hee come not at the ſecond Writ, then the tenant ſhal anſwere ſole.

Also tenant for terme of yeares, tenant at will, tenant by Elegit, & tenant by ſtatute merchant, ſhall haue aid of him in the reuerſion, & the ſeruant and bayly of their maſter, whē they haue done any thing lawfully in the right of their maſter, ſhal haue aid.

tiñt eſt implede, donques pur ceo que ils nont que eſtate pur terme de vie, ils prairont aide de ceſuy in le reuerſion, & proceſſes ſerra fait p brieſe vers luy, de uener & pleder oue le tenaunt, en defence del terre ſi voyle, mes il couient, que ils accorde en plea; car ſils varie, le plea le tenaunt, ſerra priſe, & donques leyde prier eſt en vaine: mes ſine vient al ſecond brieſe, le tenaunt reſpondera ſole.

Auxy tenant pur terme de ans, tenant a volunt, tenant per Elegit, & tenant per ſtatute marchant aueront ayde de ceſuy en la reuerſion, & le ſeruant & bayly de leur Maſter, quāt ils ont fait aſcun choſe loialment, en le droit leur maſter, aueront ayde.

36

*Ayde de Roy.*

**A**Id of the king, is in like caſe as it is ſaid befoze of a common perſon, and alſo in many other caſes where the king may haue loſſe, although that the tenant be tenant in fee

*Ayde de Roy.*

**A**Id de Roy, eſt en ſemble caſe come eſt dit deuant de cōmen perſon, & auxy en pluſors auters caſes, lou de Roy puit auer perde, coment que le tenaunt ſoit tenaunt in fee ſimple

## The Exposition of

Simple, il auera ayde, come si vn rent soit demand vers tenant le Roy, que tient en chiefe, il auera aide, & il finit nauera de auter person.

Auxy lou vn Citie ou Borough ad vn fee farme del Roy, & alcun chose est demaund vers eux que apperteine al fee farme, ils aueront aide p le perde le Roy.

Auxy home auera ayde de Roy en lieu de voucher. Auxile Baylife, Collector, & Parueior del Roy aueront ayde del Roy, auxy bien come les officers de auters persons.

Simple he shall haue aide, as if a rent be demaunded against the kings tenant, which holdeth in chiefe, he shall haue aid, & so he shall not of a common person.

And where a Citie or Borough hath a fee farme of the king, and any thing be demaunded against the which belongeth to the fee farme, they shall haue aide for the losse of the king.

Also a mā shal haue aid of the king in the steele of voucher. Also the kings Bailife, the Collector, and Duruelour shal haue aid of the king, as well as the officers of other persons.

37

*Ayle.*

**A**yle, est vn briefe que gist lou terre descend de layel a son neuiew, viz. fits, on file del fites de layell, le pier esteant mort, deuant entrie per luy, & vn abate, le heire auera vers le abator cel briefe.

*Ayle.*

**A**yle, is a writ which lyeth where land descendeth from the grandfather to his nephews. s. the son or daughter of the son of the grandfather, the father being dead before the entry by him, & one abaterly, the heire shal haue against the abator this writ.

38

*Alien.*

**A**lien, est celuy q pier & il mesm succ ambideux

*Alien.*

**A**lien is he whose father and himselfe were both bozne

borne out of the Kings legiance, and if such an alien being none of the Kings enemies, but an alie frend come & dwell here in England, and haue issue, this issue is not alien but English. So if an English man go ouer the Seas to the Kings Licence and there hath issue, this issue is no alien.

39 *Alienation.*

**A** Lienation, is as much to say, as to make a thing another mans. or to alter or put the possession of lands or other things from one man to another.

40 *Ambidexter.*

**A**mbidexter, is hee that when a matter is in suit betweene men, taketh money of the one side and of the other, either to labour the suit, or such like, or if he be of the Iurie to say his verdict.

41 *Amendment.*

**A** Mendement, is when error is in the Proces, the Iustices may amende it after iudgement. But if there be error in giuing of iudgement, they may not amend it, but the partie is

neehors del legiaunce le Roy, & si tiel alien, nestant vn enemye del Roy, mes vn alien amy vient & demure cy en Engleterre & ad issue, cest issue nest alien mes Anglois. Issint si vn Anglois ala ouster le meere oue le licence del Roy & la ad issue, cest issue nest alien.

*Alienation.*

**A** Lienation, idem est qd alienūfacere, ou de alter, ou mitter le possession de terre ou autre chose de lun home al autre.

*Ambidexter.*

**A**mbidexter, est celuy que quaut vn matter est in suit parenter homs, prist money de lun part, & del autre, ou pur labor le suit, ou tiels semblables, ou sil soit del iurie, pur dire son verdict.

*Amendment.*

**A** Mendement est quant error est en le Proces, les Iustices poient ceo amender apres iudgement. Mes si error soit en iudgement done, ils ne poient amender ceo, mes le party est mise

## The Exposition of

mise al brieſe de errour. Et in pluſours caſes lou le default appiert en le clerke que eſcriera la Record il ſerra amende: Mes tiels choſes que vient per information del partie cõe le ville miſterie, & huiusmodi ne ſerra amende, car il doit informer veray a ſon perill.

42

### *Amercement.*

**A** Mercement, plus proprement eſt vn penalte aſſeſſe per les piers ou pares del partie amercie, pur vn offence fait, come pur default de ſuit de court, ou pur non amend' de aucun choſe que il ſait appoint de redreſſer deuant, ou pur tiel ſemblable cauſe, en quel caſe la partie que offend ſoy miſt en le mercie del Roy ou Seigniour, & ſur ceo cel penalte eſt appel Amercement.

42 *Amercement royal.*

**A** Mercement royal, eſt quant vn Vicont, Corroñ ou autre tiel officer del Roy eſt amercie per les Juſtices pur ſon miſde-meaning en le office, quær ſi ne ſerra dit fine.

put to his wyſſite of erroꝝ. And in many caſes where the default appeareth in ſ clerk that writ the Record it ſhall bee amended: But ſuch things as com: by information of the partie as the townz, miſtery, & ſuch like, ſhall not be amended, for hee muſt infoꝝme true vpon his pe: ill.

### *Amercement.*

**A** Mercement, moſt properly is a penalty aſſeſſed by the piers oꝝ equals of the partie amerced, for an offence done, as for lack of ſuit of Court, oꝝ for not amending of ſome thing that hee was appointed to redreſſe by a certaine time before, oꝝ for ſuch like cauſe, in which caſe, the party which offendeth putteth himſelfe in the mercie of the King oꝝ Lord, and thereupon this penalty is called Amercement.

### *Amercement royal.*

**A** Mercement royal, is whē a ſheriffe, Coroner oꝝ other ſuch Officer of the King is amerced by the Juſtices for his abuſe in the office, learne if it ſhall not be ſaid a fine.

An



44 An,iour,& wast.

**A**N,iour,& wast, is a for-  
feiture whē a man hath  
committed petit treason, or  
felony, & hath lands which  
he holdeth of some commō  
person, which shalbe seised  
for the R. and remaine in  
his hands by the space of  
one yere & a day next after  
the attainder, & the trees  
shalbe digged vp, the hous-  
es shall be rased & pulled  
downe, and the pastures &  
medowes erred and plow-  
ed vp, so that he to whome  
the lande should come by  
eschete or forfeiture do not  
redeem it of the R. a thing  
the more to grieue the of-  
fendours and terrifie others  
to fall into the like, in shew-  
ing how the Law doth de-  
test their offence, so farre  
forth as that it doth ex-  
ecute iudgement & punish-  
ment euen vpon their liue  
and dead things.

*An,iour,& wast.*

**A**N,iour,& wast, est vn  
forfeiture, quant vn hōe  
ad ait petit treason ou fe-  
lonie, & ad terres queux il  
tient de alcun common p-  
son queux terra seisi pur le  
Roy, & remayne en son  
maynes per la space de vn  
an & vn iour prochein a-  
pres le attainder, & don-  
ques les arbres seront de-  
folle, les meisons seront  
rales, & les pastures, & pes-  
ayres & plowed, sinon que  
il, a que le terre deuenera  
per leichete ou forfeiture,  
ne ceo iedeem de Roy: vn  
chose le plus de greuer  
le offendors & terrifie au-  
terz de cader en autiel, en  
demonstraunce, coment le  
ley detest leur offence,  
cy auant illint que il  
execute iudgement & pu-  
nishment sur leur liue &  
mort choses.

45 Annuitie.

**A**Nnuitie, is a certayne  
summe of money gran-  
ted to another in Fee Sim-  
ple, Fee taylor, for terme of  
life, or for terme of yeres,  
to receiue of the grauntoz

*Annuitie.*

**A**Nnuitie, est vn certain  
lumme de money grant  
al vn auter, en Fee simple,  
Fee taylor, pur terme de vie,  
ou pur terme de ans, a  
receiuer del grauntour  
ou

# The Exposition of

ou ses heirs, il l'ont que nul frankement est charge de ceo, de que home n'auet vnques Assise ne autre action, forsque briefe de Annuite, & nest aucun assers al heire le grauntee a que il discendera.

46

*Appeale.*

**A**ppeale, est l'ouvn ad fait murder, robbery, ou mayhem, donques la feme cestuy que est tue, auera vn action de Appeale vers le murderer, mes sil nad feme, donques son procheine heire male auera le appeale a aucun temps deins lan & iour apres le fact. Et auxy cestuy que est isint robbe ou maymed auera son appeale, & si le defendant soyt acquite, il recouera damages vers le appellour & labbettours, & ils aueront le imprisonment dun an, & ferra fine al Roy. Appeale de mayhem nest en maner forsque action de trespasse, car il ne recouera forsque damages.

47

*Appellant.*

**A**ppellant est le plaintiff en le appeale.

oz of his heirs, so that no freehold is charged therewith, whereof a man shall neuer haue assise nor other actio, but a writ of Annuitie, and it is none assers to the heire of the grantee to whom it shall descend.

*Appeale.*

**A**ppeale, is where one hath done murder, robbery, oz mayhem, then the wife of him that is slayne shall haue an action of appeale against the murderer, but if he haue no wife, then his next heire male shall haue the appeale at any time within a yere and a day after the deed. And also hee that is so robbed, oz maymed, shall haue his appeale, and if the defendant be acquitted, hee shall recouer damages against the appelloz and thabbettours, and they shall haue the imprisonment of a yere, and shall make fine to the King. An appeal of mayhem is in manner but a trespas, for hee shall recouer but damages.

*Appellant.*

**A**ppellant is the plaintiff in the appeale.

Ap-

48 *Appellour.*

**A**ppellour or Approuer, is he who hath committed some felony which hee confesseth & now appeareth or approqueth, & is to say, accuseth others which were coadiutors or helpers with him in dooing the same, or other felonies, which thing hee will approue, and therefore is called in Latin Probaror.

49 *Appendant & Appurtenant.*

**A**ppendant & Appurtenant, are things that by time of prescription haue belonged, appertained, & are ioyned to an other principall thing, by which they passe & goe as accessary to the same principall thing, by vertue of these wordes Pertinentijs: as landes, aduowsons, commons, piscaries, waters, courts, and diuers such like, to a mannor house, office, or such others.

50 *Apporcionment.*

**A**pporcionment is a diuiding into parts of a rent (which is diuideable & not intier or whole) and forasmuch as þing out

*Appellour.*

**A**ppellour ou approuer, est celly que ad fait ascun felonie le quel il confesse & a ore appeale, ou approue, cest adire, accuse auters que fueront coadiutors ou aiders oue luy en featans de ceo, ou auters felonies, le quel chose il voile approuer, & pur ceo est appelle en Latin Probaror.

*Appendant & Appurtenant.*

**A**ppendant & Appurtenant, sont choses que per temps de prescription ont belong, appertaine, & sont ioynes al vn autre principal chose, ouelque que il passent & va come accessarie al mesme principal chose, per vertue de ceux parolx Pertinentijs: come terre, aduowsons, commons, piscaries, chemins, courts, & diuers tielx semblables, al vn manor, maison, office, ou tiels auters.

*Apporcionment.*

**A**pporcionmēt est vn deuiding en parties de vn rent (le quel est diuideable & nient intier ou whole) & entant q̃ le chose hors

D de

## The Exposition of

de quel il fuit delle pay,  
est sepeate & deuide, le  
rent auxy serra deuide,  
ayant respect a les partes.  
Sicome vn home ad vn  
rent seruice issuant hors de  
terres, & il purchase Parcel  
de le terre, le rent serra ap-  
porcion, accordant al va-  
lue del terre.

Issint si home tient son  
terre dun auter p homage,  
fealtie, escuage, & certaine  
rent, si le Seignior de que  
le terre est tenus purchase  
parcel del terre le rent ser-  
ra apporcion.

Item si home lessa ter-  
res pur ans reseruant rent  
& apres vn estrange reco-  
uer part de le terre, don-  
ques le rent serra apporti-  
on, cest adire deuide, & le  
lessee payera ayant respect  
a ceo que est recouer, & a  
ceo q ore remaine en les  
maines accordat al value.

Mes vn rent charge ne  
poit estre apporcion ne  
choles que sont entier: Si-  
come vn tient terres per  
seruice de payer a son  
Seignior annuelment a tiel  
feast, vn chiuale, esperner,  
vn rose, vn chery ou tiels  
semblables, la si le Seig.

of which it was to be pay-  
ed, is separated & diuided,  
the rent also shall be deui-  
ded, hauing respect to the  
parts. As if a man haue a  
rent seruice issuing out of  
lands, & he purchaseth par-  
cell of the land, h rent shall  
be apporcioned, according  
to the value of the land.

So if a man holde his  
land of another by ho-  
mage, fealtie, escuage, and  
certain rent, if the Lord of  
whom the land is holden,  
purchase parcel of h land  
h rent shalbe apporcioned.

Also if a man let lands  
for yeares reseruing rent,  
& after a stranger recoue-  
reth part of the land, then  
the rent shall be appor-  
tioned, that is to say, deuided,  
& the lessee shal pay hauing  
respect to that which is re-  
couered, and to that which  
yet remains in his hands  
according to the value.

But a rent charge can-  
not be apporcioned, nor  
things h are entrie: As if  
one hold lande by seruice  
to pay to his Lord yeare-  
ly at such a feast, a Horse,  
a Hauke, a Rose, a Cherry,  
or such like, there if the L.  
pur-

purchase parcel of the lād, this seruice is gone altogether, because a Horse, a Hauke, a Rose, a Cherie, and such other cannot bee diuided, seuered, or appor- tioned, without hurt to the whole.

51 Appropriations.

Appropriations were whē those houses of the Ro- mish Religion, and those Religious persons, as Abbots, Priors, and such like, had the aduowson of any parsonage to them & to their successors and ob- tained licence of their holy Father the Pope, and of the Ordinarie and King, that they themselves, and their successors fro thence forth should bee Parsons there, and that it shall be from thenceforth a Vicar- age, and that the Vicar shall serue the cure. And so at the beginning appo- ptiations were made ones ly so those persons spiri- tual that could minister the Sacraments, and say diuine service, as Abbots Priors, Deanes, and such like. After by little & litle they were enlarged and

purchase parcel de la terre, cest seruice est tout ale, pur ceo que vn chival, esperu, rote, ou vn chery, & tielx auters ne poient estre de- uide, seuered, ou apportion- sans damage al entiertie.

*Appropriation.*

Appropriations fueront quant ceux measons de le Romish Religion, & ceux Religious persons, come Abbots, Priors, & tielx semblables, auoyent le aduowson de aucun par- sonage al eux & a leur successeurs, & obtaine ly- cence de leur S. pere le pape, & de le Ordinarie & Roy, que il mesmes & leur successeurs de ceo en a- uant doient estre parsons la, & il terra en auant vn vicarage, & que le Vicar seruera le cure. Et issint al commencement appro- priations fuerōt faitz sole- ment a ceux persons spiri- tuals, que puilloient mini- ster lez Sacraments, & dire diuine Service, come Abbes, priors, Deanes, & tyels, semblablez. A- pres per petite & petite ils fueront enlarge & fait

## The Exposition of

fait as auters, come nof-  
mement al Deafi & Chap-  
ter, quel est corps corpo-  
rar, consistant de plufors,  
quel corps ensemble ne  
pouloit dire diuine seruice:  
& que pluis fuit, al Nuns  
que fueront Prioresses de  
ascun Nunry quel fuit  
chofe horrible, entant que  
ils ne pouloyent minister  
Sacraments ne preacher,  
ne dire deuine seruice. al  
parochians.

Et tout ceo fuit sur pre-  
tence de hospitalite &  
mayntenance de ycell. Et  
de supplier cel defectes  
vn vicar fuit deuise, quel  
ferroyt deputie al Piores  
ou Deane & Chapter, &  
auxy al darreine al dit Ab-  
bes & auters a dire de-  
uine seruice, & il aueroit  
pur son labour forsque pe-  
tite portion, & ils a quel  
le appropriations fueront  
fait reteigneront le graund  
reuenues, & ils fesoient  
riens pur ceo, per meanes  
de quel hospitalite decay  
en le lieu ou il doyt estre  
chuefement garde, nof-  
mement en le parish ou  
le benefice fuit, & oules

made to other as namely,  
to a Deane and Chapter,  
which is a bodie corporate  
consisting of many, which  
bodie together could not  
say diuine seruice, & that  
more was to fums that  
were Prioresses to some  
Nunry, which was a wic-  
ked thing, insomuch as  
they could neither minister  
Sacraments nor preach,  
nor say diuine seruice to  
the parishioners,

And all this was vpon  
pretence of hospitalite &  
maintenance thereof. And  
to supplie these defects a  
Vicar was deuised, who  
should bee Deputie to the  
Piores, or to the Deane  
and Chapter, & also at the  
last to the said Abbots &  
others to say diuine ser-  
uice, & should haue for his  
laboz but a little portion, &  
they to who the appropri-  
ations were made should  
retain the greater reuenues,  
& they did nothing for it,  
by meanes whereof hospi-  
talite decayed in the place  
where it ought to haue bin  
chiefly maintained, name-  
ly in the parish where the  
benefice was, & where the

profits did grow, and so it continueth to this day, to the great hinderance of learning, to the impoverishment of the ministry, and to the infamie of the Gospell and professors thereof.

The Vicar shal haue a certaine portion of the benefice, and the Abbot and the Couent shalbe parsons & shal haue the other profits: This is called appropriation, & then the Abbot & Couent shal be parsons imparsones. But such appropriation may not be made to begin in the life of the Parson without his assent.

But if such aduowsons of the Parsonage be recovered by auncient title, the appropriation is adnulled. And it is called appropriatis, for that they hold the profits to their owne proper vse.

52 *Approuement.*

**A**pprouement is where a man hath common in the Lord's waste ground, and the Lord encloseth part of the waste for himselfe, leauing neuertheless

profits cressioient, & ainsi il continue tanque a cest iour, al graund hinderance de erudition, al impoverishment de le ministrie, & le infamie de le Gospell & le professeurs de ycel.

Le Vicar auera vn certaine portion del benefice, & que le Abbe & le Couent serront parsons & aueront les autres profits: Cest appel vn appropriation, & donques le Abbe & le Couent serront Parsons imparsones. Mes siel appropriation ne poyt estre fait a commencer en le vie le Parson sans son assent.

Mes si tel Aduowson del parsonage soit reconuer per auncient title, donques l'appropriation est adnul. Et est appel appropriati-on, pur ceo que ils teigne les profits al leur proper vse.

*Approuement.*

**A**pprouement est lou vn home ad commo en le wast terre del Seignior, & le seignior encloie part del wast tere pur luy mesme, relinquissant nient obstant

D.ij.

sus.



## The Exposition of

sufficient common ou e-  
gresse & regresse pur les  
commoners : Cest enclo-  
sure est appel approuemēt.

sufficient common with e-  
gresse and regresse for the  
commoners : This inclos-  
ure is called approuement.

### 33 Arbitrement.

ARbitremēt est vn'award  
determinatiō, ou iudge-  
ment, quel vn ou plusieurs  
font al request de deux p-  
ties al meynes, pur, & sur  
ascun debt, trespasse, ou au  
controuerſie ew perenter  
les dits parties. Et cest ap-  
pel en Latin Arbitratus &  
Arbitrium, & ils que font  
le award ou arbitrement  
font appel Arbitri, en An-  
glois Arbitrators.

### Arbitrement.

ARbitrement is an a-  
ward, determination,  
or iudgement, which one  
or moe maketh at the re-  
quest of two parties at the  
least, for, & vppō some debt,  
trespass, or other contro-  
uerſie had betweene ſaid  
parties. And this is cal-  
led in Latin Arbitratus &  
Arbitrium, & they ſo make  
the award or arbitrement  
are called Arbitri, in En-  
glish Arbitrators.

### 34 Arrest.

ARrest est quant vn est  
prise & reſtrayne a ſon  
libertie. Nul ſerra arrest  
pur debt, trespasse, detinue,  
ou autre cause de action,  
mes per vertue dun pre-  
cept, ou commandement  
hors de ascun court. Mes  
pur Treason, Felonie, ou  
debruſer del peace, cheſ-  
cun home ad auctoriti-  
e de arreſter ſauns gar-  
rantie ou precept. Et lou  
vn ſerra arrest pur felony,  
il couient que ascun ſelo-

### Arrest.

ARrest is when one is ta-  
ken & restrained from  
his libertie. None ſhalbe  
arrested for debt, trespass,  
detinue, or other cause of  
action, but by vertue of a  
precept or commandment  
out of some court. But for  
Treason, felony, or brea-  
king of peace, every man  
hath authority to arrest w-  
out warrant or precept.  
And where one ſhalbe ar-  
rested for felony, it be-  
hooueth that some ſelo-  
me

nie bee done, and that hee be suspected of the same felonye, or otherwise he may haue against him that so did arrest him, a writ of false imprisonment. And when any man shall bee arrested for felony, hee shal be brought to the gaile, there to abide vntill the next Sessions for to bee indicted, or for to be deliuered by proclamation.

55 *Arrearages.*

**A**Rrearages are duties behind unpaid after the dates and times in which they were due, and ought to haue bin paid whether they be rent of a manor, or any other thing reserved.

56 *Assets.*

**A**Ssets is in two sortes, the one called (assets per discent) the other (assets entermaines.) Assets per discent is where a man is bound in an obligation, & dyeth seised of lands in fee simple, which descend to his heire, then this land shal be called assets, that is to say, enough or sufficient to pay the same debt, & by that meanes the heire shal be charged as farre as the

nie soit fait, & que il soit suspect de mesme le felonye, ou autrement il poit auer enuers luy que issint luy arrest vn briefe de faux imprisonment. Et quant aucun home est arrest pur Felonie, il serra amesne a le gaile, la a demurrer tanque al prochain Session pur este indicté, ou pur este deliuer per proclamation.

*Arrearages.*

**A**Rrearages sont duties arriere nient pay apres le iours & temps, en quel ils fueront dues, & doyent auer estre paies, soyent ils rent de mannor, ou aucun autre chose reservee.

*Assets.*

**A**Ssets est en deux sortes lun appel (Assets per discent) l'autre (Assets entermaines.) Assets per discent est lou vn home est oblige en vn obligation & morust seisy de terres de fee simple, queux descende a son heire, donques cest terre serra appel assets, cest adire sufficient de payer cest dette & per cest meanes le heire serra charge cy auant que le

D iij terre

## The Exposition of

terre issint a luy discende  
voyle stretch, mes sil ad  
alien deuant que le obli-  
gation soit mise en suite, il  
est discharge.

Auxy quant vn home  
seisi de terre en taylor, ou  
en droit de son feme, ali-  
en ceo que garrantie &  
ad en value tant terre en  
fee simple que disce de a  
son heire, q est auxy heire  
en taile ou heire al feme:  
Ore si le heire apres le  
mort son ancestor port vn  
briefe de Formedon ou  
sur cui i vita, pur le terre  
issint alien, doques il sera  
barre per reason dun gar-  
ranty & le terre issint dis-  
cend que est tant en value  
come ceo q suit vende, &  
issint per ceo il nad receine  
ascun preiudice, & pur ceo  
cest terre est appel Assets  
per discent.

Assets enter maines est  
quant vn home ender,  
come deuant est dit, fait  
executors & relinquit a  
eux suffic de payer, ou al-  
cun commodity ou profit  
est venus al eux en droit  
leur testatour, cest appel  
Assets en leur maines.

land so to him descended  
with stretch. But if hee  
hath aliene before the  
obligation be put in suite  
he is discharged.

Also when a man seised  
of lands in taylor, or in the  
right of his wife alieneth  
the same with warrantie,  
& hath in value as much  
lands in fee simple, which  
descendeth to his heire, who  
is also heire in taile or heire  
to the woman: Now if the  
heire after the decease of  
his ancestor bring a writ  
of Formedon or sur cui in  
vita, for the land so aliened,  
then he shall be barred by  
reason of the warrantie  
and the land so descended,  
which is as much in va-  
lue as that was solde, so  
that by he hath receiued no  
preiudice, & therefore this  
land is called Assets per  
discent.

Assets enter maines, is  
when a man indebted, as  
before is said, maketh ex-  
ecutors, & leaueeth to them  
sufficient to pay, or some  
commodity or profit is come  
vnto the in right of their  
testatour, this is said As-  
sets in their hands.

*Assises*

37 *Assignee.*

**A**ssignee, is hee to whom a thing is appointed or assigned to bee occupied, paid or done, & is alwaies such a person which occupieth or hath þ thing so assigned in his own right, & for himselfe, & of assignees there be two sortes, namely, Assignee in deed & assignee in law. Assignee in deed is when a Lease is granted to a mā. or to his assignee or without those wordes, assignee, and the grauntee giveth, granteth or selleth þ same lease to another, he is his Assignee in deed. Assignee in law is every executor named by þ testator in his testamēt. As if a lease be made to a man and to his assignee (as is aforesaid) & he maketh his executors, and dieth without assignment of the lease to any other. Now the executors that have the same lease, because they are his assignees in law. And so it is in other cases.

38 *Assise.*

**A**ssise, is a writ and it lieth where any man is put out of his landes or

*Assignee.*

**A**ssigne est celuy a que vn chose est appoint, ou assigne destle occupie, pay ou fait & est toutes foits tiel person, que occupy ou ad le chole issint assigne en son droit de meisme & pur luy meisme, Et de Assignees il y sont ij. sortes, nolement, Assignee en fait, & Assignee en ley. Assignee en fait est quant vn Leas est graunt al vn & a ses Assignees ou sans ceux pols, Assignees, & le grauntee done, graunt ou vende le dit Leas al autre, il est son Assignee en fait. Assignee en le ley est chescun executor noime per le testatour en son testamēt: si come vn Leas soit fait al vn home & a ses Assignees (si come est avant dit) & il fait ses executors & morust sans assignmēt del Leas al aucun aut, Ore les executors aū. m. le Leas pur ceo q̄ ils sont ses Assignees en ley. Et issint est en autres semblables cases.

*Assise.*

**A**ssise est vn briefe & gill ou aucun home est mis hors de son terre ou

ccccc

tenements ou de ascun profit  
aprender en certain lieu  
& issint disseisi de son frāk-  
tenement. Franktenement  
a ascun home est lou il est  
seisi de terres ou tene-  
ments ou profit a prender  
in fee simple, fee taile, pur  
terme de son vie demesne,  
ou pur terme d'auter vie.  
Mes, ternaunt per Elegit,  
ternaunt per statute Mar-  
chant & statute Staple poi-  
ent auer assise, comēt q̄ ils  
nont franktenement, & cest  
est ordayne per diuers sta-  
tutes.

Auxy en Assise il coui-  
ent tous foits que il soit  
vn disseisor & ternaunt ou  
auterment le brieve aba-  
tera.

Auxy ou vn home est  
disseise & reconera per as-  
sise de nouel disseisin, &  
puis est auterfoirs disseisi  
per mesme le disseisor, il  
auera vers luy vn brieve  
de redisseisin directe al vi-  
count de faire inquisition,  
& si troue soit le redis-  
seisin, il serra mis en pri-  
son. Auxy si home reco-  
nera per Assise de Mort-  
dauncester ou per auter  
Iurie, ou per default, ou

tenements, or of any pro-  
fit to be taken in a certain  
place, and so disseised of  
his freehold. Freehold to  
any man is where hee is  
seised of landes and tene-  
ments or profit to be take  
in fee simple, fee taile, for  
terme of his owne life, or  
for terme of another mā's  
life. But the tenant by E-  
legit, tenant by Statute  
marchant & Statute Staple  
may haue assise, howbett  
that they haue no freehold  
and this is ordeined by  
diuers statutes.

Also in an Assise it is  
needful alwaies that there  
be one disseisor and one te-  
nant, or otherwise the writt  
shall abate.

Also where a mā is dis-  
seised & recovereth by assise  
of nouel disseisin & after-  
ward is again disseised by  
the same disseisor, hee shall  
haue against him a writt of  
redisseisin directed to the  
Sheriffe to make inquisi-  
tion, & if the redisseisin bee  
found, he shall bee sent to  
prison. Also if one recover  
by assise of Mort. or by o-  
ther Iury or default or by  
red-

reddition, and if hee be an other time disseised, then he shal haue a writ of Post disseisin, & he which is takē imprisoned for redisseisin shal not be deliuered without special commandemēt of the King. See the statutes thereof, Merton cap. 3. Marlbridge cap. 8. and Westminster 2. cap. 16. There is also another assise called Assise of fresh force, & lyeth where a man is disseised of tenementes which are diuisable, as in the Citie of London or other boroughs or townes that bee franchises, then the defendaunt shal come into the Court of the said towne, & enter his plaint, and shal haue a Writ directed to the Sherif or Bayliffes &c. and thereupon shal passe a Jury, in maner of Assise of nouel disseisin. But it behooueth that he do enter his plaint within fortye dayes as it is sayde, or otherwise, hee shal be sent to the common law. And if the Officers delay the execution, then the plaintife shal haue an other Writ to haue execu-

reddition, & sil soyt auters foits disseisie, il auera donques vn brieve de Post disseisin, & cestuy que est pris & imprison pur redisseisin, ne serra deliuer sans especiall commandement le Roy. Vide les estatutes inde Merton cap. 3. Marlbridge cap. 8. et Westminster 2. cap. 16. Auxy il est vn auter Assise appell Assise de fresh force, & gist lou hom est disseisie de tenements queux sont deuissables, come en le Citie de Loundres ou auter Boroughes, ou villes, que sont Enfranchites, donques le defendaunt viendra en le Court de dit Ville & entra son plaint, & auera vn brieve direct al Mayor ou Bayliffes &c. & sur ceo passera vn Iurie en manner d'assise de nouel disseisin. Mes il couient que il entre son pleint deins quadragint iours, vt dicitur, ou autrement il serra misse a le common ley. Et si les ministers delay execution, donques le playntife auera vn auter brieve d'auer execution

# The Exposition of

tion, Et sicut alias, & pluries &c. Vide Littler. Ca. Rents, A lise est nōme equuscum &c.

59 *A lise de darrein presentment.*

**A** lise de darrein presentment, vide de ceo ap̄s tit Quar̄ impedit.

60 *A lise de Mordaunce.*

**A** lise de Mordauncester, vide de ceo ap̄s titulo Cofinage.

61 *Attainder.*

**A** ttainder, est vn conviction dalcun person en crime ou fault, dont il ne fait conuictē deuant, si cōe vn home fait felonie, treason, ou riel semblables, & de ceo est endictē, arraigh, & trone guilty & adiudge donques il est dit de lre attaint, & ceo poiet este deux voies, lun sur apparence, le auter sur default: le attainder sur apparence, est per confession, barrail, ou verdict, le attainder sur default est per processē tanq; il soit vilage.

62 *Attaint.*

**A** taint, est vn briefe & gist lou faux verdictē

tion, And a Sicut alias, & a pluries &c. See Little. Ca. Rents, a lise is a word of two significations, &c.

*A lise de darrein presentment.*

**A** lise de darrein presentsmt, looke therof in the title Quar̄ imp̄ed.

*A lise de Mordauncester.*

**A** lise de Mordauncester, looke therof in the title Cofinage.

*Attainder.*

**A** tainder is a conviction of any person of a crime or fault, wherof hee was not conuict before, as if a man haue committed felony, treason, or such like, & therof is indicted, arraigned, & found guilty, & hath iudgement, then he is said to be attained; & this may be two waies, the one by apparence, the other by default, the attainder by apparence is by confessiō, barrail, or verdict, the attainder by default is by process vniūl hee bee outlawed.

*Attaint.*

**A** taint, is a writ, & by which wherofalle verdict is



is giuen by twelue men, & iudgement giuen thereon, that the partie against whom they haue passed, shall haue a writ against the twelue men, and when they be at issue it shall bee tried by 12. Iurors, and if the false herdict be found the twelue men be attaint, and then the iudgement shall bee, that their meddowes shalbe tised, their houses broken down, their woods turned bp, and all their landes & tenements forfeited to the King, but if it passe against him that brought that attaint, hee shalbe imprisoned, & grievously ransomed at the Kings Will. See the Stat. 13. H. 8. cap. 3. Attaint also is wher iudgement is giue in treason or felony.

est done per xij. homes, & iudgement done sur ceo, donques le partie vers que ils auoyent passe auera cest briefe vers les douze hoes, & quant ils sont a issue, il serra trie per vint quater Iuroys, & si faux verdit soit trouue, les douze Iurours sont attaint, & donques le iudgement serra que leur prees seront ayres, leur measons destruses, leur boyes subuerbes, & tous leur terres & tenements forsais al Roy, mes sil passe encontre celuy que port l'attaint, il serra imprison, & grievously ransome al volunt le Roy. Vide le Statute 13. H. 8. cap. 3. Attaint auxy est quant iudgement est done en treason ou felonie.

63 Attournement.

**A**Tournement, is when one is tenant for terme of life, and he in reversion or remainder graunte his right or estate to another, then it behooueth the tenant for terme of life to agree thereto, and this agreement is called an Attourn-

*Attournement.*

**A**Tournement, est quant vn est tenant pur terme de vie, & cestuy en le reversion ou remainder graunte son droyt ou estate a vn autre, donques il couient que le tenant pur terme de vie agree a ceo & cest agreement est appel attournement,

## The Exposition of

ment, car si cestuy en le reuerſion graunt ſon eſtate & ſon droyt a vn auter, ſi le tenant pur terme de vie ne attourna, riens paſſe p le graunt.

Mes ſil ſoit graunt per ſine in Court de Recorde, il ſerra compel de attourner. Et vide de ceo apres titulo Quid Iuris clamar, vide pluſ de ceo en Litrl. lib. 3. ca. 10.

### 64 *Audita querela.*

**A**Vdita querela, eſt vn briefe & giſt lou vn eſt oblige en vn eſtature marchand, eſtature ſtaple, ou recogniſanc, ou lou iudgement eſt done vers luy pur debt, & ſon corps en execution ſur ceo, donques ſil ad vn releaſe ou auter ſufficiēt matter dēe diſcharge del execution, mes nad iour de ceo pleder, dōquez il auera ceſt briefe vers ceſtuy que ad recoū, ou vers ſes executors.

### 65 *Auerment.*

**A**Verment eſt lou vn homme plede vn plee en a-

ment, ſoz if he in the reuerſion graunt his eſtate and his right to another, if the tenant ſoz terme of life attorne nor, nothing paſſeth by the graunt.

But if it be granted by ſine in Court of recoꝝd, he ſhalbe cōpelled to attorne. And looke thereof after in the title Quid Iur clamar, looke moze of this in Litt. lib. 3. ca. 10.

### *Audita querela.*

**A**Vdita querela, is a writ, and it lyeth wher one is bound in a Statute merchant, Statute ſtaple, or Recogniſance, or wher iudgement is giuen againſt him ſoz debt and his body in execution therupon, thē if he haue a releaſe or other matter ſufficient to be diſcharged of execution but hath no day in Court there to pleade it, then hee ſhall haue this writ againſt him which hath recovered, or againſt his executors.

### *Auerment.*

**A**Verment, is wher a man pleadeth a plee in abate:

abatement of the writ or barre of the action, which hee saith hee is ready to proue as the Court will award, this offer to proue his plee is called an *Auerment*.

66

*Auerpeny.*

**A** Verpeny, that is to bee quit of diuers summes of money for the Kinges auerages.

abatement de brieve ou barre d'action, quel il dist, il est prist de prouer come le Court voit agarde, cest offer de prouer son plee est appelle vn *Auerment*.

*Auerpeny.*

**A** Verpeny, hoc est quietus esse de diuersis denarijs pro aueragijs domini Regis.

67

*Auncient demesne.*

**A** Vncient demesne are certain tenures holden of those Mannors that were in the hands of S. Edward the Confessor, and the which he made to be written in a booke called Domes day, sub titulo Regis, and all the landes holden of h said Mannors be auncient demesne, and the tenants shall not bee impleaded out of the said Mannors, and if they be, they may shew the matter and abate the writ: but if they answer to the writ, and iudgement be giuen, then the landes becoms franke fee for euer. Also tenants in auncient demesne, be free of tole for al

*Auncien demesne.*

**A** Vncien demesne sont certain tenures ten' de ceux Manors queux succront en maines de S. Edw. le Confessor, & les queux il fist escrire en vn lieur appelle Domes day, Sub titulo Regis, & tous les terres ten' del dit Manors s'ot auncien demesne, & les tenants ne serront implede hors del dit Manors, & s'ils soient, ils poient monstre le matter & abater le brieve, mes s'ils respond' al brieve & plede, & iudgement done doncs lez terrez sont deuenus franke fee a tous iourz. Auxy toutz tenantz en auncien demesne sont franke de tolle, pur toutz choses

## The Exposition of

choſes concernant leur  
viand' & husbandry en  
auncien demefne, & pur  
tiels terres ils ne ſerront  
mis ne empanel ſur aucun  
enqueſt. Mes tous les ter-  
res en auncien demefne  
queux ſont en maines le  
Roy, ſont frank fee & ple-  
dable al common Ley.  
Veies plus apres en le title  
Sokmans.

things concerning their  
ſuſtenance and husbandry  
in auncient demefne, and  
for ſuch landes they ſhall  
not bee put or impanelled  
vpon any inqueſt. But all  
the lands in auncient de-  
mefne, that are in þ Kings  
hands, be franke fee and  
pleadable at the Common  
Law. See more after in  
the title Sokmans.

68

*Auowrie.*

**A**Vowrie eſt lou vn priſt  
diſtreſſe pur rent ou au-  
ter choſe, & l'auter ſua Re-  
pleuin, donques celuy que  
auoit ceo priſe, iuſtifera en  
ſon plee, pur quel cauſe il  
priſt ceo, & ſi il priſt ceo  
en ſon droit demefne il  
doit ceo monſtre, & illint  
auowa le priſel & ceo eſt  
appel ſon auowrie. Mes ſil  
ceo priſt en ou pur le droit  
de vn auter, donques quāt  
il auoit monſtre le cauſe,  
il ferra conuſance del pri-  
ſel, come baillie ou ſeruant  
a celuy en que droit il  
priſt ceo.

*Auowrie.*

**A**Vowrie is where one  
taketh a diſtreſſe for  
rent or other thing, & the  
other ſueth repleuin, then  
he that hath taken it ſhall  
iuſtifie in his plee, for  
what cauſe he took it, and  
if hee tooke it in his owne  
right hee ought to ſhewe  
that, and ſo auow the ta-  
king, & that is called his  
auowry: but if he took that  
in or for the right of ano-  
ther, then when hee hath  
ſhewed the cauſe, hee ſhall  
make conuſance of the ta-  
king, as baillie or ſeruant  
to him in whoſe right hee  
did take it.

69 Baile

B.

B.

69

Baile.

Baile.

**B**Ayle, is when a man is taken or arrested for felonie, suspicion of felonie, indicted of felony, or any such case, so that he is restrained of his libertie. And being by law bayleable, offereth suertie to those which have authoritie to bayle him, which suerties are bound for him to the Kings use in a certaine summe of money, or bodie for bodie, that he shall appeare before the Just. of Gaole deliuerie at the next Sessions &c. Then vpon the bonds of these suerties as is aforesaid, hee is bayled, that is to say, set at libertie vntill the day appointed for his appeare.

70

Bailement.

**B**Ayle, est quant vn homme est pris ou arrest pur felonie, suspicion de felonie, indieté de felony, ou ascun tiel case, issint que il est restrainne de son libertie. Et esteant per le ley baylable, offereth suertie al eux que ont authoritie de luy bayler, queux suerties, sont obliges pur luy al vse le Roy en certaine summe d'argent, ou corps pur corps, que il appareara deuant les Iustices de Gaole deliuerie al procheinie Sessions &c. Donques sur les bonds de ceux suerties, come est auãdit, il est bayle, cest adit mis al libertie tanq; le iour appoynt pur son apparee.

Bailement.

**B**Aylement, is a deliuerie of things whether it be of wottinges, goods, or stufte; to an other, sometimes to be deliuered back to the bailor, that is to say,

**B**Aylement, est vn deliuerie de choses, soyent ils de escripts, biens, ou stufte al auter, ascun foys destre redeliuer are

E

al

## The Exposition of

al celuy que issint deliuer  
ceo, ascun foits al vse del  
baylee, cest adire de lay  
a que il est deliuer, & ascun  
foits auxy il est deliuer a  
vn tierce person, cest deli-  
uerie est appel vn bayle-  
ment.

to hym that so deliuered it,  
sometimes to the vse of the  
bailee, that is to say, of hym  
to whom it is deliuered, &  
sometimes also it is deli-  
uered to a third person,  
this deliuerie is called a  
bailement.

### 71 *Bailife.*

**B**Ailife est vn Officer que  
appertient a vn mannor  
pur order le husbandrie, &  
ad authoritie de payer  
quite rents issuant hors del  
manor, succider arbres,  
repayre les measons, faire  
pales, haies, distraire auers  
damage fésant sur le terre,  
& diuers tiels sembla-  
bles.

Cest officer est celuy que  
les auncient Saxons ount  
appel vn Reeue, car le nos-  
me Bailife ne fuit donques  
conus entre eux, mes vint  
eins oue les Normans, &  
est appel en Latine Villi-  
cus

### *Bailife.*

**B**Ailife, is an officer that  
belongeth to a mannor,  
to order the husbandrie,  
and hath authoritie to pay  
quite rents issuing out of  
the manor, fell trees, re-  
payre houses, make pales,  
hedges, distraine beastes  
dooing hurt vpon the  
grounde, and diuers such  
like.

This officer is he wh<sup>ch</sup>  
the auncient Saxons cal-  
led a Reeue, for the name  
Bailife was not yet know-  
en amongst them, but  
came in with the Nor-  
mans, and is called in La-  
tine Villicus.

### 72 *Backberind theefe.*

**B**ACKberind theefe est vn  
laron que est prise oue le  
maner, cest adire, auant ceo  
troué sur luy (c'est à pursue

### *Backberind theefe.*

**B**ACKberind theefe, is a  
theefe that is taken  
with the maner, that is to  
say, hauing that found vpon  
him (being followed  
with

with the hue and cry )  
which hee hath stollen ,  
whether it be money, lin-  
nen, wollē, or other stuffe:  
but it is most properly  
said, whē he is taken car-  
rying those things that he  
hath stollen in a bundell  
or fardell on his backe.

ou le hue & cry) le quel  
il ad emblee, soit il money,  
lynnen, wollen, ou auter  
stuff: mes il est pluis pro-  
perment dit, quant il est  
prise portant tiels choses  
que il ad emblee en vn  
bundel ou fardel sur son  
dorse.

73 Bargaine and sale.

**B**Argaine and sale is whē  
a recompence is giuen  
by both the parties to the  
bargain, as if one bargain  
and sell his land to an o-  
ther for money, here the  
land is a recompence to him  
for the money, & the mo-  
ney is a recompence to the  
other for the land, & this  
is a good contract & bar-  
gaine, and fee simple pas-  
seth notwithstanding hee  
doeth not say to haue and  
to hold the land to him &  
to his heires. And by such  
a bargain and sale lands  
may passe without liuerie  
of seisin, if the bargain &  
sale be by deede indented  
sealed & enrolled, either in  
the countie where the land  
lieth, or in one of the H.  
courts of record at West-  
minster. within vi. moneths

Bargaine & sale.

**B**Argaine & sale est quāt  
vn recompēce est done  
per ambideux les parties  
al bargain: come si vn  
bargaine & vend son terre  
al auter pur argent, icy le  
terre est vn recompence  
a luy pur le argent, & lar-  
gent est vn recompence  
al auter pur le terre, & ceo  
est vn bone contract &  
bargaine, & fee simple  
passa nient obstant il ne  
dit auer & tener le terre  
a luy & a ses heires. Et per  
tiel bargain & sale ter-  
res pōient passe sans liue-  
rie de seisin, si le bargain  
& sale soit per fait endent,  
seale & enrolle, ou en le  
countie ou le terre gift,  
ou en vn des Courtes del  
Roy de Record, al West-  
minster deins sixe mois  
Eij pro-



## The Exposition of

prochein apres le date de  
mesme le escript endent,  
accordant al stature en ceo  
case fait en le 27. an. de H.  
8. cap. 16.

next after the date of the  
same witting indetred ac-  
cording to the stature in  
that behaife made in the  
27. yeare of H. 8. c. 16.

74

*Barre.*

**B**Arre, est quant le defen-  
dant en aucun action  
plede vn plee que est vn  
sufficient respons, & ceo  
adnul le action del plain-  
tife a tout iours.

*Barre.*  
**B**Arre, is when the defe-  
dant in any action plea-  
deth a plee which is a suf-  
ficient answer, and that  
destropeh þe action of the  
plaintife for ever.

75

*Base fee.*

**T**ener en Fee base, est a  
tencer a volunt le Seig-  
nior.

*Base fee.*  
**T**o hold in Fee base, is  
to hold at the wil of the  
Lord.

76

*Bastard.*

**B**Astard, est celuy que est  
nee de aucun feme nient  
espouse, ainsi que son pere  
nest conus per le order del  
ley, & par ceo il est dit fi-  
lius populi.

*Bastardie.*  
**B**Astardie, is hee that is  
borne of any woman  
not married, so that his fa-  
ther is not knowne by the  
order of the law, and ther-  
fore he is called the childe  
of the people.

Mes per la ley del Ro-  
mish Esglise, si vn engen-  
der vn enfant sur aucun  
feme, quel enfant est nee  
hors del espouselz, & pui-  
z il spouse mesme la feme,  
donques tiel enfant serra  
dit mulier, & nemy ba-  
stard.

But by the lawe of the  
Romish Church, if one  
get a child vpon a woman  
which child is borne out  
of wedlocke, and after he  
marry the same woman,  
then such a child shall bee  
said Mulier, and not ba-  
stard.

But

But by the law of Eng-  
land he is a Bastard, and  
for that cause when such  
special bastardie is allea-  
ged, it shall be tried by the  
Country, and not by the  
Bishop. But generally  
bastardie alleaged shall be  
tried by the Certificate of  
the Bishop.

And if a woman be great  
with child by her husband  
who dyeth, and she taketh  
another husband, & after  
the child is borne, this  
child shall be said the child  
of the first husband. But  
if she were privately with  
child at the time of the  
death of her first husband,  
then it shall be said the child  
of the second husband.  
But inquire farther and  
see the opinion of Thorp,  
21.E.2.39.

Also if a man take a wife  
which is great with child  
by another that was not  
her husband, and after the  
child is borne within the  
espousels, then it shall be  
said the child of the hus-  
band, though it were borne  
but one day after the es-  
pousels solemnized.

Mes per la ley Denge-  
terre il est bastarde, & pur  
cest cause quant tiel espe-  
cial bastardie est alleage,  
il serra trie per le pais, &  
nemy per Leuesque. Mes  
generalment bastardie al-  
leage serra trie per le cer-  
tificat del Euesque.

Et si vn feme soit grosse  
de enfant per son baron  
que morust, & el prist au-  
ter baron, & apres le en-  
fant est nee, cest enfant  
serra dit le enfant le primer  
baron, Mes si el fuit priue-  
ment enseint al temps del  
mort sa primer baron,  
donques il serra dit le en-  
fant del second baron. Sed  
Quere & vies le opinion  
de Thorp. 21.E.3.39.

Auxy si vn home prent  
feme que soit groslement  
enseint per ascu autre que  
ne fuit son baron, & apres  
lenfant est nee deins les es-  
pousels, donques il serra  
dit lenfant le baron, mes-  
que il fuit nee forsque vn  
iour apres les espousels so-  
lemnize,

77 **Bataille.**

**B**Attaile est vn auncient trial en nostre ley que le defendant en vn appeal de murder, robberie, ou felonie poit chier, cest acauoir, a combater ou l'appellant, pur prouue si soit culpable del felony ou nō: quel combat il succede eibien del part le defendaut que il vanquish l'appellant, il allera quite, & luy barrera de son appeale a tous iours. Mes si vn soit indiet de felonie, & vn appeale est port sur mesme le indictment, la le defendant ne gagera le bataille: bataille auxy poit estre en vn brieve de Droit.

78 **Bigamy.**

**B**igamy, fuit vn contreterple (deuisee al council de Lions, sur mistike de second mariage) elle obieet quaut le prisoner demanda le benefice del Clergie, cest acauoir, son liuer, come nōtment a dire que il quier demanda le priuiledge del Clergie, fuit marrie a

**Bataille.**

**B**Attaile is an auncient trial in our law, which the defendant in an appeal of murder, robberie, or felonie may chuse, that is to say, to fight with the appellant, for prouue whether he be culpable of the felony or not: which combat, if it fall out so well on the part of the defendant that hee both vanquish the appellant, he shall goe quite bar him if his appeale be euer. But if one be indicted of felony, & an appeal is brought by the same indictment, there the defendant shall not wage bataille: bataille also may be in a writ of Right.

**Bigamy.**

**B**igamy, was a counterplea (devised at the council of Lions, upon mistike of second marriage) to be obiected when the prisoner demandeth the benefice of the Clergie, to wit, his liuer, as namely to say, that he which demandeth the priuiledge of the clerge, was married to such

a woman at such a place, within such a diocese, and that she is dead, and that hee hath married another woman within the same diocese or within some other dioces, and so is Bigamus. Or if hee haue bin but once married, then to say, that she whom he hath married, is or was a widow, that is to say, the left woman of such a one, &c. which thing shall be tryed by the Bishop of the dioces where the marriages are alleaged. And being so certified by the Bishop, the prisoner shall loose the benefit of the Clergie: But at this day by force of the act made in 21. Hen. 6. cap. 12. this is no ple, but that he may haue his Clergie that notwithstanding.

See in Brooke titulo Clergie, placito 20. to the same purpose. And here upon if you be desirous to see what reason they haue that perswade against second marriages, see among others Francis Brompton of remedies for both fortunes, the first booke & lxxvj. Dialogue,

tiel feme, en tiel lieu, deins tiel dioces & que il est mort, & que il ad apres marrie vn auter feme deins mesme le diocelles ou deins ascun auter diocelles, & issint Bigamus. Ou sil nad este forsique vn temps marrie, donques adire que el que il espouse est, ou fuit vn viese, cest adire, le reliete duntiel &c. Le quel chose serra trie per Leuesque de le Diocesse ou le espouals sont alleadge. Et esteant issint certifie per Leuesque, le prisoner perdera le benefit del Clergie: Mes al cest iour per force de le acte fait en Anno primo Edw. 6. Cap. 12. cest nul plea, mes que il poet auer son Clergie ceo nient obstant.

Issint est Brooke titulo Clergie placito 20. al mesme purpose. Et sur ceo si vous estes desirous de veyer queux raisons ils ont que perswade enuerz second espouals, lege en diuers auterz Frances Petrarche de remedijs vtri usque Fortunæ, le premier liuer & lxxvj. Dialogue,

B. iij,

in-

The Exposition of

intituled de secundis nup-  
tijs, quel liuer ore tarde  
Master Thom Twine ad  
bien & oue bon grace (cōe  
ils que poyent iudger di-  
ont) translate hors de Latin  
en Englois, & mult apmēt  
appell' ceo Physick en cou-  
ter fortune.

intituled of second marri-  
age, which booke: notes of  
late Master Thomas  
Twine hath very well, &  
with good grace (as they  
that can iudge do say) tra-  
lated out of Latin into  
English, and most aptly  
called it Physick against  
fortune.

79 Bloodwit.

Bloodwit, hoc est quietū  
esse de amerciamētis  
de sanguine fuso, & que re-  
neantur placita in curia ves-  
tra, habebitis amerciamēt  
inde prouenientia, quia  
(wit) en Anglois est misē-  
ricordia en Latin.

Bloodwit.

Bloodwit, that is, to bee  
quit of amerciamētis  
for bloodshedding, and  
what pleas are holden in  
your court, you shall haue  
the amerciamētis thereof  
comming, because (wit) in  
English, is misericordia  
in Latin.

80 Boote.

B Oot, est vn viel parol, &  
il signifie helpe, succour,  
ayde, ou aduanrage, & est  
communement ioyne oue  
vn autre parol, que signifi-  
cation il augment come  
ceux bridgeboote, burgh-  
boote, fireboote, hedge-  
boote, plowboote, & diuis  
tienz semblables, par queux  
significations, veies en leur  
proper titles.

Boote.

B Oote, is an old word, &  
signifieth helpe, succour,  
ayde, or aduantage, and is  
commonly ioyned with an  
other word, whose signifi-  
cation it both augment, as  
these bridgeboote, burgh-  
boote, fireboote, hedgeboote,  
plowboote, and diuers o-  
thers such like, for whose  
significations look in their  
proper titles.

Broods

81 Broodhalpeny.

**B**roodhalpeny, in some copies Broodhalbeny, that is to bee quit of a certayne custome, exacted for setting vp of tables.

*Broodhalpeny.*

**B**roodhalpeny, en ascun copies Broodhalbeny, hoc est, quietum esse de quadam consuetudine exacta pro tabulis leuatis.

82 Burgage.

**T**O hold in Burgage, is to hold as if þe Burgeis holde of the King, or of another Lord lands or tenements, peelding to him a certayne rent by þe yere, or els there, where another man then burgeis holder of any Lord lands or tenements in burgage, peelding to him a certayne rent by yere.

*Burgage.*

**T**ener en Burgage est a tenet siccome les burgeis teignent de Roy, ou de aut Seignieur terres ou tenements rendât a luy vn certain rent per an, ou autrement la ou vn aut home que Burgeis tient d'ascun Seignior terres ou tenements en Burgage rendant a luy vn certain rent per an.

83 Brugbore.

**B**rugbore, (and in some copies Bridgbore) that is to be quit of giuing aid to the repairing of bridges.

*Brugbore.*

**B**rugbore (& en ascun copies Bridgbore) hoc est quietum esse de auxilio dando ad reficiendum pontes.

84 Burghbore.

**B**urghbore, that is to bee quite of giuing aide to make a Burough, Castell, Citie, or walled thowne.

*Burghbore.*

**B**urghbore, hoc est quietum esse de auxilio dando ad faciendum Burgum, Castrum, Cinitatem vel muros prostrata.

85 Burgh-

The Exposition of

85 *Burbreach.*

**B**Vrghbreach, hoc ē quic  
esse de transgressionibus  
factis in ciuitate vel Burgo  
contra pacem.

*Burbreach.*

**B**Vrghbreach, that is to  
be quit of trespasses doe  
in Cite or Borough a-  
gainst the peace.

86 *Burgh English.*

**B**Vrgh English, ou Bo-  
rough English, est vn cus-  
tome en vn auientent Bo-  
rough, ou si vn home ad il-  
sue diūs suis & morust vn-  
core le puisne suis solement  
inheritera, & auera toutz  
lez terrez & tenemētz que  
fueront a son pere de que il  
morust seisie deins mesme  
le burgh per discent, come  
heire a son pere, per force  
del custōe de m le burgh.

*Burgh English.*

**B**Vrgh English, or Bo-  
rough English, is a cus-  
tome in some auientent bo-  
rough, that if a man haue  
issue diuers sonnes, & dy-  
eth, per the yongest son on-  
ly shall inherite & haue all  
the lands & tenemētis that  
were his fathers, wherof  
he died seised within the  
same borough by discent,  
as heire to his father by  
force of the custome of the  
same borough.

87 *Burglarie.*

**B**Vrglarie, est quauant vn  
debruse & enter en le  
meason dun auter en le  
nuit, oue felonious intent,  
de robber ou occider, ou  
de fayre auter felonie, en  
queux cases nient obstant  
il ne importiens, vncore  
il est felonie p̄r que il sera  
pendue. Autrement est il  
soit en le iour ou que il

*Burglary.*

**B**Vrglary, is when one  
breaketh, & entreth into  
the house of another in  
the night, with felonious  
intent to robbe or kill, or  
to doe some other felonie,  
in which cases although  
hee carry away nothing,  
yet it is felonie, for which  
hee shall suffer death. O-  
therwise it is, if it bee in  
the day time, or that hee  
breaks



breake the house in the night, and enter not therein at that time.

But if a seruant will conspire with other men to rob his Master, & to that intent he openeth his Masters doores and windows in the night for the, that they come into the house by that way, this is Burglarie in the Strangers, and the seruant is a theefe but no Burghlar. And this was the opinit of the right worshipfull Sir R. Manwood knight, most worthy Lord chiefe Baron of the Eschequer, at the quarter Sessions holden at Canterburie in Iannuarie 1579. 21. Eliz.

debruse le meason en le nuit, & ne entre pas en ceo a cest temps.

Mes si vn seruant voile conspire oue auters de robber son Master, & a cel entent il ouer les dores & fenestres de son Master en le nuit pur eux, & ils vient en le meason per cest voy, cest Burghlarie en les estrangers, & le seruant est vn laron, mes nemy Burghlar. Et ceo fuit l'opinion de le right worshipfull Sir R. Manwood Chiualer, pluis digne Seignior chiefe Baron de le Exchequer a la quarter Sessions tenus en Canterburie in Iannuarie 1579. 21. Eliz.

88

*Capias.*

**C**apias, looks for that after in the title Proces.

89

*Carnage.*

**C**arnage, that is, to be quitte if the King shall take al his land by carue. Note that a carue of land is a plowland.

*Capias.*

**C**apias, vide ceo apres en la title Proces.

*Carnage.*

**C**arnage, hoc est, quietu esse si dñs Rex talliauerit totam terram suam per Caruas. Nota q vn carue de terre est vn plowland.

90

*Certification of Assise.*

**C**ertification of Assise of nouel disseisin, is a

*Certificatio in Assise.*

**C**ertificatio Assise nouel disseisin, est vn briefe,

## The Exposition of

briefe & gift lou le bail-  
life letenar in Assise plede  
nul tort &c. & parde per  
lalfise, donques si le tenant  
ad vn releafe ou auer es-  
cript al pleder, il auera  
cest briefe, & les primers  
inrors serror garnies d'ap-  
perer deuant les Iustices  
& parties auxy, donques  
siquit este troue que le re-  
leafe ou le escripts sont  
vroyer & bones, cestuy que  
recoueroit in lalfise, ren-  
dra dammages en double  
& pardya la terre.

writ, and leeth where the  
Writte of the tenant plea-  
deth no wrong, &c. & so leeth  
by the assise, then if the te-  
nant haue a releafe or o-  
ther writting to pleade, he  
shall haue this writ, and  
the first Jurors shall be  
warned to appeare before  
the Iustices and the par-  
ties also: then if it may be  
found, that the releafe or  
writtings are true & good,  
hee that recouered in the  
Assise shall yeelde double  
damages, and shall lose  
the land.

### 97 *Cerciorari.*

**C**erciorari, est vn briefe  
& gift lou vn est im-  
plede en vn bafe Court,  
que est de recorde, & il  
suppose que il ne poit auer  
equal Iustice la, donques  
sur vn bil en la Chaunce-  
rie comprenant ascun mat-  
ter en conscience, il auera  
cest briefe pur remo-  
uer tout le Recorde en la  
Chauncerie, & la destre  
determine per conscience,  
mes si lne proua son bil,  
donques l'autre party auera  
vn briefe de Proceedo  
aremaine le record en la

### *Cerciorari.*

**C**erciorari, is a writ and  
it leeth where one is im-  
pleded in a bafe court, that  
is of record, and he suppos-  
eth that he may not haue  
equal Iustice there, then  
vpon a bil in the Chancery  
comprising some matter  
of conscience he shall haue  
this writ to remoue all the  
Record into the Chancery,  
either to be determined  
by conscience, and if he proue  
not his bill, then the other  
party shall haue a writte  
of Proceedo, to send a-  
gaine the Record into the  
bale

base court, others to be determined. And it lyeth in many other cases, for to remove records for the king as indictments and other.

base court, & la destie determine. Auxil il gist en plusieurs autres cases pur removal Records pur le Roy come indictments & autres.

92 *Cession.*

**C**ession, is when an Ecclesiastical person is created Bishop, or when a parson of a parsonage taketh another benefice without dispensation or otherwise not qualified &c. In both cases their first benefices are become void, and be said to become void by cession: And to those that hee had who was created bishop, the king shall present for the time whosoever be patron of the. And in the other case the patron may present.

*Cession.*  
**C**ession est quant vn Ecclesiastical person   cree Euesque, ou quant vn parson dun parsonage prist vn autre benefice sans dispensation ou autrement n  t qualifi   &c. En ambideux cases leur premi  r benefices sont deuenus void & sont appel destre void   per cession. Et   ceux que il ad que fuit cree euesque le Roy presentera pro illa vice, quicunque soit patron de eux. Et en laut case le patron poit p  senter.

93 *Cessavit.*

**C**essavit, is a writte, and it lyeth where n  r vertie tenant which holdeth of me certaine lands and tenements, p  ssiding certaintime by the year, & the rent is behind not paid by two yerres, and no sufficient distress may be found vpon the lande, then I shall recover the lande, but if the

*Cessavit.*  
**C**essavit, est vn brieve & gist lou mon verie t  n  r que nient de moy cert  ine terre ou t  n  r es rendant cert  in rent p  r, & le rent est  terre nient pay   per deux ans, & nul suffisient distress poyt   tre trou   sur le terre, donq   i  s   ux c  st brieve per que i  s recou  ra le terre, mes si le

ten  r

## The Exposition of

tenant vient in Court de-  
uant iudgement, & rend'  
le arrerages, & les dama-  
ges, & troue suerty que il  
ne cessera pluis in paimēt  
de dit rent, ieo serra com-  
pel de prender les arrerag.  
& les damages, & donque  
le tonaunt ne perdera la  
terre. Auxy le heire ne poit  
maintaine cel brieſe pur  
cesser fait entēps son aunc-  
cestor, Auxy cest brieſe ne  
gist, mes pur annual ser-  
uice come rent & huius-  
modi & nyent pas pur ho-  
mage & fealtie,

Auxy il y ad auter brieſe  
appel Cessauit de cantar-  
ria, & gist ou vn done ter-  
res a vn meason de religi-  
on a troue pur lalme de  
luy & deses auncestors,  
& de ses heyres annuel-  
ment vn chandel ou lamp  
in Eglise, ou pur faire  
ascun deuine seruice, ou  
de passer les pouters, ou  
auters almes, ou auter tiel  
choſe faire, donque si les  
dits charges ne sont pas  
fait per deux ans, dōque le  
donor ou ses heires aue-  
ra cest brieſe vers que-  
cunque est eins apres tiel

tenant come into the court  
before iudgement giuen,  
and tender the arrerages  
and damages, and finde  
suertie, that he shall cesse  
no moze in patment of the  
said rent, I shall be com-  
pelled to take the arrera-  
ges and the damages, and  
then the tenant shall not  
loose the land. Also the  
heire may not maintaine  
this writte for the cesser  
made in the tyme of his an-  
cestor, Also this writt lieth  
not but for Annual ser-  
uice, as rents such other  
& not for homage & fealtie.

Also there is an other  
writ called Cessauit de cā-  
taria, and it lieth where a  
man giueth lād to a house  
of religion to finde for his  
soule & of his auncestors,  
and his heires, yearly a  
candle or Lampe in the  
Church, or to say any  
diuine seruice, or to feede  
the poore, or other almes,  
or some other thing to  
do. then if the said charge  
be not done in two yeres,  
then he donor or his heires  
shall haue this writt against  
whosoever holdeth the  
things giuen after such  
cessure

cessure. See the Statute  
W. 1. ca. 41.

94 Challenge.

**C**hallenge, is where Jurors appeare to trie an issue, then if any of the parties suppose that they are not indifferent, they may there challenge & refuse them.

There bee diuers challenges, one is challenge to the array, the other to the polles.

Challenge to tharray, is when the panell is favourably made by the Sherif, or other officer.

Challenge by polles are some principall, and some by cause, as they call it.

Principall, is when one of the Jurors is the sonne brother, or cosin to the plaintife or defendant, or tenant to him, or that hee hath espoused the daughter of the plaintif, & for those causes he shalbe withdrawne.

Also in a plee of the death of a man, and in every action real, and in actions personall, if the debt or damages amount to forty marks, it is a good challenge that hee cannot

cesser. Vide le statut, W. 1. cap. 41.

Challenge.

**C**hallenge est ou Jurors apperont pur trier un issue, donques si aucun des parties supposent que ils ne sont pas indifferent, la ils poyent eux challenge & refuse.

Il ad estre diuers challenges: vn est challenge al array, le autre est al polle.

Challenge al array est quant la panel est favorablement fait per le vic' ou autre officer.

Challège p les polles sont aucun principal, & aucun p cause, come ils appelleo.

Principal est quant vn des Jurors est le frere, ou cosin al plaintife ou defendant, ou tenant a luy, ou q il auoit espouse la fille le plaintif, & pur ceux causes il sera retrait.

Auxy en plee de le mort de hōe, & en chescū action real, & en actions personnal, si le debt ou damages amount a xl. marks, il est bon challenge q il ne poyt dis-

## The Exposition of

dispender xl. shillings per  
an de franktenement.

Challenge per cause, est  
ou le partie allege vn mat-  
ter que nest principal chal-  
lenge: come que firs dun  
des Jurors espouse la file le  
plaintife, & donques il co-  
clude, & pur ceo il est fa-  
uorable, quel serra trie per  
auters del enquest si il soyt  
fauorable ou indifferent,  
& si ils dyont que il est fa-  
uorable, & nemy indiffes-  
rent, donques il serra treit,  
auterment il serra iure.

Auxy vn felon que est  
arraign poit challenge 20.  
Jurours peremptorie sans  
aucun cause, & ceo est in  
fauoreni vitz, & tant que  
il voile oue cause, mes dō-  
ques il serra trie si pur tiel  
cause il soyt indifferent ou  
nemy.

91 *Champertie.*

**C**hampertie est vn briefe  
& gift lou deux homes  
sont impleadours, & lun  
done l'i moytie ou part  
del chose en plee a vn  
estraunge pur luy mayn-

dispender xl. s. by the pere of  
freehold.

Challenge because, is  
where the partie doth al-  
ledge a matter which is  
no principal challenge: as  
that the sonne of one of the  
Jurors hath espoused the  
daughter of the plaintife,  
and then he doth conclude,  
and therefore he is fauou-  
rable, & it shal bee tried by  
others of the inquest, whe-  
ther he be fauorable or in-  
different, and if they say  
that he is fauorable, and  
not indifferent, then hee  
shal be drawne out, other-  
wise he shal be swozne.

Also a felon that is ar-  
raigned may challenge 20.  
Jurors peremptory with-  
out any cause, and that is  
in fauor of life, & as many  
as he will with cause, but  
then it shall bee tried if for  
such cause hee bee indiffe-  
rent or not.

92 *Champertie.*

**C**hampertie, is a writ  
and spech where two  
men bee impleading, and  
one giueth the halfe or  
part of the thing in plee to  
a straunger for to main-  
taine

saue him against the other, the the partie grieved shal haue this writ against the stranger. See the Statute Articuli super Chartas cap. 11.

teiner encounter le auter, donques le partie greeue auera cest brieve deuers le straunger. Vide le statute Articuli super Chartas, cap. 11.

96 *Champertors.*

**C**Hampertors, bee they that moue ples & suits, or cause to bee mooued by their owne or others procurement, and sue them at their owne costs, to haue part of the lands or gains in variance.

97 *Charge.*

**C**harge, is where a man graunteih a rent issuing out of his ground, and that if the rent be behind, it shall be lawful for him, his heirs and assignes to distraine till the rent bee paid, this is called a rent charge. But if one graunt a rent charge out of the land of an other, though after he purchase the land, yet the grant is void.

*Champertors.*

**C**Hampertors, sont ceux que moua ples & suits, ou caule deste moue per leur ou auters procurement, & sue a leur costages & charge demesne, pur auer part dell terre ou gaines en variance.

*Charge.*

**C**harge est lou vn home graunta vn rent issuant hors de son terre, & que si le rent soit arriere, que sera loyal a luy, ses heires & assignes a distraîner tanque le rent soit pay, cest appel vn rent charge. Mes si vn graunt vn rent charge hors del terre dun auter, coment puis il purchase la terre vncoire le graunt est void.

98 *Charters.*

**C**harters of lands are writings, deeds, euidences, & instruments, made from one man to another, vpon

*Charters.*

**C**harters de terres sont escripts, faits, euidences, & instrumentes, fait de vn home a l'auter sur



## The Exposition of

ascun estate conueied ou  
passed perenter eux de ter-  
res ou tenemens, moustrât  
les nosmes, lieu, & quan-  
titie del terre, le estate,  
têps, & maner del seafans  
de ycel, les parties a le es-  
tate deliuer & prise, les tes-  
moignes pſent al cœ, oue  
autres circonstances.

some estate coueted or pas-  
sed betweene the of landes  
or tenements shewing the  
names, place, & quantirp of  
the land, the estate, time &  
maner of the doing there-  
of, the parties to the estate  
deliuered & taken, the wit-  
nesse present at the same,  
with other circumstances.

### 99 *Chattels.*

**C**hattels sont en deux  
sorts, cest adire, chattels  
reals & chattelz personelz.  
Chattelz realz sont leasez  
pur anz, gards, & a tener a  
volunt.

Chattelz personelz sont  
tourz moueable biens, cœ  
argêt, plate, biêz del mea-  
son, chivalz, vacchez,  
bleez, & tiels semblables.

### *Chattels.*

**C**hattels are in two sorts  
that is to say, chattels  
reals, and chattels perso-  
nels. Chattels reals are  
leases for yeares, wards, &  
to hold at will.

Chattels personels are  
all moueable goods, as  
money, plate, household-  
stuffe, hoxses, kine, coxne, &  
such like.

### 100 *Childwit.*

**C**ildwit, hoc est, quod  
capiatis gersumnam de  
natiua vestra corrupta &  
pregnata sine licentia ve-  
stra,

### *Childwit.*

**C**ildwit, that is, that  
you may take a fine of  
your bondwoman, defiled  
and begotten with childe  
without your licence.

### 101 *Chimin.*

**C**himin est le hâut voy  
lou chescun homê passa  
que est appel via Regia,  
& vncore le Roy nad

### *Chimin.*

**C**himin, is the high way  
where euery man goeth  
which is called Via Regia,  
and yet the King hath no  
other

other thing there but the passage for him and his people, for the freeholde is in the Lord of the soile, & all the profits growing there, as trees, and other things.

auſ chose la forsq; le passage pur luy & son people, car le franktenement est en le S<sup>r</sup> del soile, & tous les profits creſſants la, come arbres & auſ choses.

102 Thing in action.

*Chose en action.*

**T**hing in action, is when a mā hath cause, or may bring an action for some duetie due to him, as an action of debt upon an obligation, or annuities, or rent, action of covenant or ward, trespass of goods taken away, beating, or such like, and because that they are things whereof a man is not possessed, but for recovery of them is given to his action, they are called Things in action. And those things in action that are certain, the King may grant, and the grantee may use an action for the in his owne name only. But a common person cannot grant his thing in action, nor the King himselfe cannot grant his thing in action which is uncertain, as trespass, and such like.

**C**hose en action est quant vn hōe ad cause, ou poit porter vn action pur aucun duetie due a luy, cōe vn action de debt sur vn obligation, annuity, ou rent, action de covenant, ou gard, trās des biens emporte, battery, ou tiels semblables; & pur ceo q̄ ils sont choses de q̄ux vn home nest possesse, mes pur recoūy de eux est mis a son action, ils sont appel choses en action. Et ceux choses en action que sont certain, le Roy poyt grant, & le grantee poit user vn action pur eux en son osme demesne solcūr. Mes vn commō person ne poit graunter son chose en action, ne Roy luy m̄ ne poit graunter son chose en action quel est vncertain, come trespass, & tiels semblables.

## The Exposition of

### 103 *Cinque ports.*

**C**inque ports, sont certain hauen villes, cinq en number, as queux ad eē graunt long tempz passe mult liberties (que autres port villes nont) & ceo primerint en le tēpz del Roy Edward appel le Confessor (que fuit deuant le conquest) & fueront encrease apres, & ceo especialmēt en les iours del troy Edwards, le primer, second, & le tierce (aprez le cōquest) come appiert en le lieur de Domesday, & aus vieux Monuments, hux en cest lieur seront trope long de citer.

### *Cinque ports.*

**C**inq ports, be certain hauen towne, due in number, to which haue bin graunted long time since many liberties (that other port towne haue not) and that first in the time of R. Edward called the Confessor (who was before the Conquest) and hath bin encreased since, & that chiesly in the dayes of the thre Edwards, the first, the second, and third, (since the Conquest) as appeareth in the Booke of Domesday and other olde Monuments, which in this work should be too long to recite.

### 104 *Circuitie de action.*

**C**ircuitie de action, est quant vn action est droytment port pur vn duitie mes: vncore circum le bush come semble, pur ceo q ceo poit cibien estre auterment respondue & determine & le suit saue, & pur ceo que mesme le actio fuit pluis que besoigne, il est appel circuit de action. Come si vn home graunt vn rent charge de x. li.

### *Circuitie of action.*

**C**ircuitie of actio, is when an action is rightfully brought for a duitie, but yet about the bush, as it were, for that it might as well beene otherwise answered and determined, and the suite saued, and because that the same action was more then needfull, it is called circuitie of action. As if a man grant a rent charge of x. pounds out

out of his manor of Dale, and after the Grauntee disseiseth the Grauntoz of the same manor of Dale, & he bringeth an Assise, and recouereth h land, & x. l. Damgages, the which x. l. being paid, the Grauntee of the rent sueth his action for ten pounds of his rent due during the time of the disseisin, which if no disseisin had bin, hee must haue had: This is called circuit of actiō, because it might haue bin more short if answered, for whereas the grauntoz shall recetue x. l. Damages, & pay x. l. rent, hee might haue recetued but the x. l. onely for the damages, and the grauntee might haue cut off and kept backe the other tenne l. in his hands, by way of Detainer for his rent, & so thereby might haue saued his action.

hors de son mannor de Dale, & apres le Grauntee disseisist le grauntoz de m le manor de Dale, & il port vn Assise & recouer le terr & xx. li. damages, le quel xx. li. esteant pay, le grauntee del rent sue son action pur x. li. de son rent due durant le temps de le disseisin, le quel si nul disseisin ad este il doit auer ew: Cest appel Circuitie de action, pur ceo que il poit auer ce pluis briefement respondue, car lou le grantor doit receiue xx. li. damages, & pay x. li. rent, il puit auer resceiue forsq; le x. li. solemee pur les damages, & le grauntee puit auer recoupe & restaine arrete le auter x. li. en ses maynes per voy de detainer pur son rent, & ainsi per ycel poit auer saue son action.

105 Clayme.

Clayme.

CLayme is a chalenge by any man of the propriety or ownership of a thing which hee hath not in possession, but that which is

CLayme est vn challenge per aucun home de le proprietie ou ownership de vn chose que il nad en possession, mes ceo que est  
F. iij. de-

## The Exposition of

detaine a luy torcions-  
ment.

withholden from him  
wrongfully.

106 **Clergie.**  
**C**Lergie est vn auintient  
libertie confirme en di-  
uers Parliaments. Et est  
quant vn home est arraig-  
né de felonie, ou tiels sembla-  
bles, deuant vn temporall  
Iudge &c. & le prisoner  
pria son Clergie, cest adir,  
pur auer son Lieur, quel  
en auintient temps sus au-  
rant si come il vlt pry desté  
dismisse del temporall  
Iudge, & desté deliuer al  
Ordinary de purger luy  
mesme de mesme offence.  
Et donques le Iudge com-  
maundera le Ordinary de  
trier sil poyt lier come vn  
Clerke en tiel lieur & lieu  
come le Iudge assignera.  
Et si le Ordinary certifie le  
Iudge que il poit, donques  
le prisoner nauera iudge-  
ment de perdre son vie.  
Vide Stamford lib. 2. cap.  
41. & quere le statute 18. E-  
liz. ca. 7.

**Clergie.**  
**C**Lergie, is an auintient  
liberty confirmed in di-  
uers parliaments. And it  
is when a man is arraig-  
ned of felonie, & such like,  
before a temporall Iudge  
&c. & the prisoner prayeth  
his Clergie, that is to say,  
to haue his booke, which  
in auintient time was as  
much as if he desired to be  
dismissed from the tempo-  
rall Iudge, and to be de-  
liuered to the Ordinary to  
purge himselfe of the same  
offence. And the Iudge  
shall command the Ordina-  
ry to trie if hee can read  
as a Clerk in such a book  
and place as the Iudge  
shall appoint. And if the  
Ordinary certifie the Iudge  
that he can, then the pris-  
oner shall not haue iudge-  
ment to loose his life. See  
Stamford lib. 2. cap. 41.  
and seeke the stat. 18. Eliz.  
cap. 7.

107 **Clerke attaint.**  
**C**lerke Attaint, est ce-  
luy que pria son cler-

**Clerke attaint.**  
**C**lerke attaint, is hee  
which prayeth his cler-  
gie

gie after iudgement giuen  
vpon him of the Felonie,  
& hath his Clergie allow-  
ed, such a clerke might not  
make his purgation.

108 *Clerke conuict.*

**C**Lerke conuict, is hee  
which prayeth his clergie  
befoze iudgement giue  
vpon him of the Felonie,  
and hath his Clergie to  
him granted, such a clerke  
might haue his purgatiō.  
Note that this purgation  
was made, when he was  
dismissed to the Ordinary,  
there to be tried of the en-  
quest of clerks. And there-  
fore now by the Stat. of 18.  
Eliz. c. 7. no such is put to  
the Ordinary.

109 *Coadiutor.*

**C**Oadiutor to the dissei-  
sin is hee, which with  
another disseiseth one of  
his freehold, to the vse of  
the other: and he shall be  
punished as a disseisor, but  
hee is not such a disseisor  
which gaineth the free-  
hold, but the freehold be-  
steth and is all in him to  
whose vse the disseisin  
was committed, as it ap-  
peareth in Littleton lib. 3.  
cap. 3. of ioyntenants.

gie apres iudgement sur  
luy done de Felonie, & ad  
son Clergie allow, tiel  
clerke ne poit faire son  
purgation.

*Clerke conuict.*

**C**Lerke conuict, est ce-  
luy que pria son clergie  
deuant iudgemēt done  
sur luy de le Felonie, & ad  
le Clergie a luy graunt,  
tiel clerke puit faire son  
purgation. Nota que cel  
purgation fuit fait quant il  
fuit dismissē al ordinary, la  
destretrie del enquest del  
clerkes: & par ceo ore per  
statute 18. Eliz. cap. 7. nul  
tiel est misse al Ordina-  
rie.

*Coadiutor.*

**C**Oadiutor al disseisin est  
celuy, que cue auē dis-  
seise vn de son franktene-  
ment al vse de l'auter, & il  
serra puny come vn dissei-  
sor, mes il n'est tiel dissei-  
sor que gaine le franktene-  
ment, mes le franktene-  
ment vest & est tout en ce-  
luy, a que vse le disseisin fu-  
ist commit, come appiert  
en Littleton lib. 3. cap. 3. de  
ioyntenants.

110 Colour.

**C**olour, est vn fained matter, le quel le defendant ou tenant vse en son barre, quant vn action de trespas ou vn Assise est port enuers luy, en le quel il done le demaundant, ou plainrise vn shewe prima facie, que il ad bone cause de action, lou en veritie il n'est iust cause, mes tant-solement vn colour, ou visour dun cause: Et il est vse al entent que le determination del action doet esse per les iudges, & nemy per vn ignorant Iurie de 12. homez. Et par ceo vn color doet esse vn matter en ley, ou difficult al lay gentz: come pur example, A. port vn Assise de terre enuerz B. & B. dit que il mesme lesta in le terre al vn C. pur terme de vie & aprez grant le reuersion al A. le demandant & puis C. le tenant pur terme de vie morust, aprez que decease A. le demandant clai- mant le reuersion p force del graunt (ou C. le tenant pur vie ne vnquez at- turne) entra, sur que B.

Colour.

**C**olour, is a fained matter, which the defendant or tenant useth in his bar, when an action of trespas or an Assise is brought against him, in which he giueth the demaundant or plaintife a shew at the first sight, that hee hath good cause of action, where in troth it is no iust cause, but only a color & face of a cause: & it is vsed to the intent that the determination of the action should bee by the iudges, & not by an ignorant Iurie of 12. men: and therefore a color ought to be a matter in lawe or doubtful to the common people: as for example B. bringeth an assise of land against W. and W. saith that he himselfe did let the same land to one C. for terme of life, & after ward did grant the reuersion to B. the demandant, & after C. the tenant for terme of life died, after whose decease, B. the demandant claiming the reuersion by force of the grant (whereto C. the tenant for life, did neuer attorne) entred, upon whome W. entred,



entred, against whome *B.* for that entrie, brings this assise &c. This is a good colour because the comon people think that the land will passe by the grant without Attournement, where indeed it will not passe, &c.

Also in an action of trespassse, colour must be giue, and of them are an infinit number, one for example: in an action of trespassse for taking away the plaintifs beasts the defendat saith, that before the plaintife had any thing in them, hee himselfe was possessed of the as of his prop goods & deliuered the to *B.* *B.* to deliuer them to him againe, whē &c. And *B.* gaue the vnto the plaintife, and the plaintife supposing the proprietie to be in *B.* at the time of the gift, tooke them, and the defendant took them from the plaintife, whereupon the plaintife bringeth an action, that is a good colour, and a good plea. See moze hereof in the Dialogues between the Doctor and Stud. lib. 1. cap. 13.

entra, enuers que *A.* pur in entre port cest assise &c. Cest vn bone colour, pur ceo que les ley gentes pensant que le terre voile passe per le graunt sans attournement, lou en fait il ne voile passe, &c.

Auxy en vn action de trespassse, colour doit este done, & de eux sont vn infinite number, vn pur exemple: En vn action de trespassse pur prisel de a. uers del plaintife, le defendant dit, que deuant le plaintife riens auoit en eux, il mesme fuit possesse de eux come deses proper biens, & eux deliuer al *A.* *B.* pur eux rebailer a luy quando &c. & *A.* *B.* eux dona al plaintife, & le Plaintife suppos le proprietie destre en *A.* *B.* al temps del done prist eux, & le defendant eux reprist del plaintife, sur que le plaintife port laction: cest vn bone colour, & vn bone plea. Vide de ceo pluis en les Dialogues entre le Doctor & Student, lib. 2. cap. 13.

## The Exposition of

### 111 *Colour de office.*

**C**olore officij est toutes dites prist in malam partem & signifie vn act malement fait per le cōtenance de vn office, & il port vn dissimulant visage del droit office, lou le office nest que vaile del faulxie & le chose est ground sur vice & le office est cōe vn shadow al ceo. Mes ratione officij, & virtute officij sōt prises tous foies in bonam partem, & lou le office est le iust cause del chose, & le chose est pursuant al office,

### *Colour of office.*

**C**olour of office, is alwaies takē in the worst part, and significth an act euill done by the countenance of an office, and it beareth a dissembling face of the right office, wheres as the office is but a baile to the falsehood, and the thing is grounded vpon vice, & office is as a shadow to it. But by reason of the office, and by vertue of the office are taken alwaies in the best part, and where the office is the iust cause of the thing, and the thing is pursuing office.

### 112 *Collusion.*

**C**ollusion, est lou vn action est porte vers vn auter per son agreement demesne, si le plaintife reconer, tiel reconerie est dit per collusion & en aucun cases le collusion serra enquire, come en vn Quare impedit, Assise, & tiels semblables, queux ascū corporation ou corps politique port enuers auter al intent de auer le terre ou aduowson,

### *Collusion.*

**C**ollusion, is where an action is brought against another by his own agreement, if the plaintife reconer, the such reconerie is called by collusion, and in some cases the collusion shall bee inquired of as in Quare impedit, and Assise and such like, which any corporation or body politique bringeth against another to the intent to haue the lande or aduowson, whereof

whereof h writ is brought into Mortmaine. But in anywhe nor in any action personal, the collusion shal not be enquired. See the Stat. W. 2. ca. 32. which giueth the quale ius & inquirie in such cases.

dont le brieve est port en Mortmain, Mes en anowric ne en aucun action personal le collusion ne terra enquire. Vide statut de W. 2. ca. 32. que done le quale ius & le inquiry in tiel case.

### 113 Commaundrie.

### Commaundry.

Commaundry, was the name of a mannor or chiefe messuage, in which lands or tenements were occupied belonging to the late Priorie of S. Johns of Jerusalem in Englad, until they were given to King Henry the 8. by Statute made in the 32. yeare of his raigne: And hee, which had the gouernment of any such manor or house, was called the Commander, which had nothing to do to dispose of it but to the vse of the Priorie, and to haue only his sustentance of it according to his degree, which was vsually a brother of the same priorie which had beene made Knight in the warres against Infidels, and were lately called Knights of

Commaundry, fuit le nomme dun mannor ou chiefe messuage, oue que terres ou tenements fueront occupies preinant al Priory de S. Johns de Ierusalem en Engleterre, tanque fuit done al Roy Henry le huit per statute fait en lan 32. de son Reigne: & cestuy, que auoit le gouernement de aucun tiel manor ou mess, fuit appelle le Commander, que nauoit rien a faire ou disposer de ceo forsque al vse del Priory, & dauer solement son sustentance de ceo, selonque son degree que fuit vsualmente vn frere de in le Priory, que eyst est fait chiuallier en les guerres encounter Infidels, & furent iadis appel knights de le

## The Exposition of

le Rodes, ou Knightes de Malta, del lieux ou leur grande Master del dit order enhabite. Vide le dit statute, & le statute entitule de Templarijs, le decay des queux fuit grand encrease de cel order, & plusieurs de ceux commandries sont en le pays nommes le Temple.

the Rodes, or Knightes of Malta, of those places where their graunde Master of the said order did dwell. See the said Statute, and the old Stat. intituled de Templarijs, whose decay was a great encrease of this order, and many of these commandries are called in the country by the name of Temples.

### 114. Common ley.

### Common ley.

Common ley, est pur le plus part prise 3. voyes. Primerment, par les leyes de cest Realme simply, sans aucun autre ley, come customary ley, ciuill ley, spirituall ley, ou quecunque autre ley ioyne a ceo, come quant est dispute en nostre leyes Dengleterre, quid doit de droit estre determine par le common ley, & quid par spiritual ley, ou le court del Admiral, ou tiels semblables.

Secondariment il est prise par les Courtes le Roy, come le banke le Roy, ou Common place, entiolement par monstre en difference parerter eux

Common ley, is for the most part taken three wayes. first, for the lawes of this Realme simply, without any other, as customary law, ciuill lawe, spirituall law, or whatsoeuer els lawe ioynd vnto it, as when it is disputed in our lawes of England what ought of right to bee determined by the common law, and what by the spirituall law, or Admirals court, or such like.

Secondarily it is take for the Kings Courts, as the Kings Bench or common place, onely to shewe a difference between them  
and

and the base courts, as customary courts, Court barons, Countie courts, py-powders and such like, as when a plee of land is remoued out of auntient demesne, because the land is frank fee, and pleadable at the common law, that is to say at the Kings court, & not in auntient demesne, or in any other base court.

Thirdly, and most vsuall by the common lawe, is vnderstood, such lawes as were generally taken & holden for law before any Statute was made to alter the same, as for example: Tenat for life nor for yeares, were not to be punished for dooming wast at the common Law, till the Stat. of Gloucest. c. 5. was made, which doth giue an action of wast against them. But tenaunt by the curtesie, and tenant in dower, were punishable for waste at the common law, that is to say, by the vsuall and common receiued lawes of the Realme, before the said Statute of Glouc. was made.

& les base Courts, com customary courts, courts barons, countie courtes, py-powders, & tiels semblables: come qnt vn plee de terre est remoue horz de auntient demesne pur ceo que le terre est franke fee, & pleadable al common ley, cest adire en le Court le Roy, & nemy en auntient demesne, ou en ascun auter base court.

Tiercement & pluiz vsuallment per le common ley est entendue tielz leyes q fueront generalment prise & ten<sup>2</sup> pur ley deuât q ascun estatute fuit fait pur al<sup>e</sup> ceo, come pur exemple: Tenant pur vie, ne pur anz ne fueront destre punish pur fesance wast al com<sup>2</sup> ley, tanq; le Stat. de Glouc. c. 5. fuit fait, le quel done vn action de wast enuerz eux. Mez tenant per le curtesie, & tenant in dower, fueront punishable pur wast al com<sup>2</sup> ley, cest adire, per le vsuall & common receiued leyes le Realme deuant le dit statute de Gloucest. fuit fait.

**C**OMMON, est le droit q̄  
home ad de mitter les  
beasts a pasture, ou de vser  
& occupier le tre q̄ nest son  
proper soile.

Et nota que sont diuers  
commons, cest adire com-  
mon en grosse, common  
appendant, common ap-  
purtenant, & common per  
cause de visinage.

Common en grosse est  
lou ieo per mon fait grant  
a vn aut, q̄ il auer common  
in ma terre.

Common appendant est  
lou home est seisie de cer-  
taine terre, a q̄ il ad com-  
mon in auter soile, & routs  
ceux que serront seisie del  
dit terre aueront le dit cō-  
mon solem̄t pur ceux beasts  
que compass̄ la ter̄ a que il  
est appendant, except oy-  
sons, chiuers, & porceaux.

Et tous iours, cest com-  
mon est per prescriptis-  
on, & de common droit,  
& il est appendaunt al ter-  
re erable solement, &

**C**OMMON, is the right  
that a man hath to put  
his beasts to pasture, or to  
vse & occupie the grounde  
that is not his owne.

And note that there bee  
diuers commons, that is  
to say, common in grosse,  
common appendant, com-  
mon appurtenant, and cō-  
mon because of neighbor-  
hood.

Common in grosse, is  
where I by my deed grant  
to another that hee shall  
haue common in my land.

Common appendant is  
where a man is seised of  
certain land, to the which  
hee hath common in ano-  
thers ground, and all they  
that shalbe seised of the lād  
haue the said common on-  
ly for those beasts which  
compass̄ that lande to  
which it is appendant, ex-  
cepting geese, goats, and  
hogges.

And alwayes that com-  
mon is by prescription,  
and of common right,  
and it is appendaunt to  
errable lande onely, and  
not

not to any other lande or  
house.

Common appurtenant  
is in the same manner as  
common appendant. But  
it is with all manner of  
beasts, as well hogges,  
goates, and such like, as  
horses, kine, oxen, sheepe,  
and such as compass the  
ground. And this com-  
mon may be made at this  
day, & may be severed frō  
the land to which it is ap-  
purtenant, but so can not  
common appendant.

Common because of  
neighborhood is where  
tenants of a Lord which  
bee seised of two townes,  
where one leeth nigh an  
other, & euery of the haue  
vied from the time where-  
of no minde runneth, to  
haue common in the other  
towne with all manner of  
beasts comminable.

But the one may not  
put his cattel in the others  
ground, for so they of the  
other towne may distraine  
them damage fessant, or  
may haue an action of tres-  
pas: but they may put  
the into their owne fields,  
and so if they stray into

nemy al auter terre ou  
meason.

Common appurtenant  
est en mesme le manner  
come commō appendant.  
Mes est ouesque toutes  
manner des auers cibien  
porceaux, chiuers & tiel  
semblable, come chiuais,  
vacches, boefes, berbies, &  
tiels q compasser le terre.  
Et tiel common poit este  
fait a cest iour, & poit este  
seuer del terre a q il est ap-  
purtenant, mes isliat ne  
poit cōmon appendant.

Common pur cause de  
visurage est sou les te-  
nans de deux Seignours  
que sont seises de deux vil-  
les, dont lun gist pres  
l'auter, & chescun de eux  
ont vse de temps dont me-  
mory ne court, de auer cō-  
mon ē auter ville, ouesque  
touts beasts comminable.

Mes lun ne poit mitter  
ses auers en le terre l'auter,  
car la ceux de l'auter ville  
poient eux distraine dam-  
mage fessant, ou auer acti-  
on de Trespas: mes ils  
eux mittera en leur campe  
demeine, & s'ils stray en  
les



## The Exposition of

les campos del auier ville, ils la doient eux sufferer. Et les inhabitants de lun ville ne doient mitter eus tantz come ils voile, mes ayant regard al franktne-ment del inhabitants de le auier ville, car autrement il ne serroit bon vicinie, sur, que tout cest matter depend,

116

### Condition.

**C**ondition, est vn res- traint ou bridle annex & ioyne al chose, sans que per le non performance & fessans de ceo le partie al condition receiuera preiudice & parde, & per le performance & faire de ceo commoditie & aduantage.

Et tous conditions sont ou Conditions actual & expresse, queux sont appel Conditions en fait, Ou ils sont conditions implicite ou tacite, & nient expresse, les queux sont appelles Conditions en ley.

Auxy tous Conditions sont ou Conditions precedent & vaient denant lestate, & sont executed, ou

the fieldes of the other towne, there they ought to suffer them. And the inhabitants of the one towne ought not to put in as many beasts as they will but hauing regard to the inhabitants of the other towne, for otherwise it were no good neighborhood, upon which all this matter doth depend.

### Conditions.

**C**ondition, is a restraint or bridle annexed and ioynd to a thing, so that by the not performance or not doing thereof the partie to the condition shal receiue preiudice and losse, and by the performance & doing of the same commoditie and aduantage.

And all Conditions are either Conditions actual and expresse, which be called Conditions in deed, or els they bee conditions implied or couert, and not expresse, which are called Conditions in law.

Also all Conditions are either Conditions precedent and going before the estate, and are executed, or

his subsequent & follow-  
ing after the estate and ex-  
ecutorie.

The Condition prece-  
dent both get and gain the  
thing or estate made vpon  
condition by the perfoz-  
mance of the same.

The Condition subse-  
quent both keepe & conti-  
nue the thing or estate made  
vpon condition by the per-  
formance of the same.

Actual and expresse co-  
dition, which is called a  
Condition in deed, is a  
condition knit & annexed  
by expresse wordes to the  
feoffment, lease, or grant,  
either in writing, or with-  
out writing: As if I in-  
feoff a man in landes re-  
serving rent to bee paid at  
such a feast, vpon conditiō,  
that if the feoffee faile of  
payment at the day, that  
then it shall be lawfull for  
me to reenter.

Condition implied or  
couert and not expresse,  
which is called a conditi-  
on in lawe, is when a  
man graunteth to another  
the office to bee keeper of a  
Parke, Steward, Beas-  
tle, Baylife, or such like

subsequent & veniens a-  
pres le estate & execu-  
torie.

Le Condition precedēt  
gainē & obtraine le chose  
ou estate fait sur conditiō  
per le perfourmance de le  
condition.

Le Condition subsequēt  
garde & continue le chose  
ou estate fait sur condition  
per le perfourmance de y-  
cel.

Actual & expresse con-  
dition, que est appel vn  
condition en fait est vn  
condition knit & annex  
per expresse parolx al fe-  
offement, lease, ou graunt,  
ou en escript ou sauns es-  
cript. Sicome ieo enseoffe  
vn home en terres reseruāt  
rent, desse payed a tiel  
feast, sur condition, que si  
le feoffee faile de payment  
al iour, que donques il  
serra loyall put moy de re-  
enter.

Condition implicite ou  
tacite & n'est expresse, q est  
appel condition en ley, est  
quant home graunt al aut  
le office de l'gardain d'un  
Parke, Seneschal, Beadle,  
Baylife, ou tiels sembles

## The Exposition of

pur terme de vie, & nient obstant que la ne soit aucun condition expresse en le graunt, vncore le ley parle couertment de vn condition, quel est, que file grauntee ne execute pas tous points apperteynant a son office; per luy mesme ou son sufficient deputie, dont que ferra loyal pur le grantor de enter & discharge luy de son office.

Condition precedent & vaant deuant, est quant vn lease est fait al vn pur vie sur condition, que si le lessee pur vie voile payer al lessour xx. li. a tiel iour, que donques il auera fee simple, icy le condition precede & va deuaunt le estate in fee simple, & sur le performance de le condition, get & gaine fee simple.

Condition subsequent, & veniens apres, est quant vn graunt a I. S. son manour de Dale en fee simple, sur condition, que le grauntee payera a luy a tiel iour xx. li. ou autrement que son estate cessera, icy le condition est

for terme of life, & though there be no condition at all expressed in the graunt, yet the law speaketh couertly of a condition, which is, that if the grauntee do not execute all pointes appertaining to his office, by himselfe or his sufficient deputie, then it shall bee lawfull to the grauntour to enter and discharge him of his office.

Condition precedent & going before, is when a lease is made to one for life, vpon condition, that if the lessee for life will pay to the lessor xx. pounds at such a day, that the he shall haue fee simple, here the condition precedes & goeth before the estate in fee simple, and vpon the performance of the condition, doth get and gaine the fee simple.

Condition subsequent, & coming after, is when one granteth to I. S. his manor of Dale in fee simple vpon condition, that the grauntee shall pay to him at such a day xx. pound, or els that his estate shall cease, here the condition is sub-

subsequent and following the estate in fee simple, & upon the performance thereof doth keepe and continue the estate.

See more of this in Littleton lib. 3. cap. 5. And Perkins in the last title of Conditions.

117 Confirmation.

Confirmation, is when one which hath right to any lands or tenementes maketh a deed to an other which hath thereof þ̄ possession or some estate with these wordes, Ratificasse, Approbasse, Confirmasse, with intent to enlarge his estate, or make his possession perfect and not defensible by him that maketh þ̄ confirmation, nor by any other that may haue his right.

Whereof see more in Littleton lib. 3. c. 9. of Confirmations.

118 Confiscate goods.

Confiscate goods, are goods to which the law entitleth the King when they are not claimed by any other. As if a man bee indicted þ̄ hee felon:

subsequent & ensuant le estate in fee simple, & sur le performance de ycel, gard & continue le estate.

Vide plus de ceo en Littleton lib. 3. cap. 5. Et Perkins titulo ultimo de Conditions.

Confirmation.

Confirmation est quant vn que ait droit al ascun terre ou tenemens fait vn fait a vn autre que ait ent le possession ou ascun estate ou esq; ceux parolx, Ratificasse, approbasse, confirmasse ou intent de enlarger son estate, ou faire son possession pfect & nient defensible per luy q̄ fait le confirmation, ne per ascun autre que poit auaigner a son droit.

Dont vide plus en Littleton lib. 3. cap. 9. de Confirmations.

Confiscate biens.

Confiscate biens. sont biens al queux le ley entitle le Roy quant ils ne sont pas claime p ascun autre. Come si vn homme soit endict que il felon:

G ij oulement

## The Exposition of

eusment emblea les biens de I. S. lou en veritie ils sont les biens demesne, & ils sont mise en court vers luy come vn mayneur, & donques il est demand que il dit a. ceux biens, & il denie eux, ore per cest denier de eux, il perdra ceux biens, coment que apres il soit acquite del felony, & issint en auters semblable cases.

ously stole the goods of J. S. where in truely they are his owne goods, and they are brought into the Court against him as a mayneur, and then he is demaunded what he saith to those goods, & hee denieth them, now by this denying of them, he shall lose those goods, although that after ward hee be acquitted of the felony, and so in other like cases.

### 119 *Conspiracie.*

**C**onspiracie est vn briefe & gift lon deux ou plusieurs sentailerent persereement, couenant, ou auter manner aliance, que chescun aydera auter pur indictor ou appeller asc<sup>e</sup> home de felony, donques celuy que est per tiel maner endict ou appeal, auera cest briefe. Mes cest briefe ne gift vers lendictors.

Vide plus de ceo en Stamford lib. 3. cap. 12.

### *Conspiracie.*

**C**onspiracie, is a writ & it lyeth where two or more knit themselves together by oath, couenant, or other maner of alliance, that every one shall help other for to indict or appeale any man of felony, then hee which is by such maner indicted or appealed shall haue his writ. But this writ lieth not against the indictors.

See more hereof in Stamford lib. 3. cap. 12.

### 120 *Custom.*

**C**onsuetud<sup>e</sup> & seruitijs, est vn briefe, & gift lou ieo ou mes ancest<sup>r</sup> de puis

### *Custom.*

**C**ustomes & services, is a writ, and lieth where I or my auncestors after the

the limitation of assise (for which see the title of limitation in the collection of Statutes) were not seised of the customes or seruices of my tenaunt befoze, the I shall haue this writ to recouer those seruices.

Also the tenaunt may haue this writ against his Lord, but after that the tenaunt hath declared, the Lord shall defende the words of the declaration, and replying shal say, that hee distreined not for the customes whereof the declaration is, and then hee shall declare all the declaration of the customs and seruices, & then the tenant, who was plaintife shall become defendant, & shall defend by bataille or great assise.

121 Consultation.

Consultation, look therfore after in the title of Prohibition.

le limitation de assise (pur q'l vide le titre de limitation en collection destatutes) ne fueront seise des customes ou seruices de mon tenant, mes deuant, donques ieo aia cest brief pur recouer ceux seruices.

Auxy le tenaunt poyit auer cest briefe vers son Seignior, mes apres que le tenant ad counte le Seignior defendera les motes del count & repliat dirra, que il ne distraina pas pur les customes dont le count est, & donques il countera tout le count de les customes & seruices, & donques le tenant q' fuit plaintife deuiendra defendant, & defendra per bataille ou graund assise.

Consultation.

Consultation, Vide de ceo apres en le titre de Prohibition.

122 Continuall claime.

Continuall claime is where a man hath right to enter into certain lands whereof an other is seised in fee simple or fee taile,

Continuall claime.

Continuall claime est lou home ad droit de entre en certaine terres dont vn autre est seise en fee simple ou fee taile,

# The Exposition of

& il ne oſast enter pur pa-  
nour de mort ou batterie,  
mez aprocha cy prez cōc  
il oſast, & fait claime a  
ceo deinz le an & iour  
deuant le mort de cestuy  
que ad le terre, si aprez  
cestuy que ad le terre de-  
mie seſſie, & son heire est  
einz per diſcent, vncore  
cestuy que fait tiel claime  
poit enter sur le heir nient  
contristcant tiel diſcent,  
pur ceo que il ad fait tiel  
cotinual claime. Mez il  
conuient que cest claime  
tourtz ſoits ſoit fait deinz  
lan & iour deuant le mort  
le tenant, car si tiel tenant  
ne morust seſſie deinz lan  
& iour aprez tiel claime  
fait, & vncore il que ad  
droit noſast enter, donques  
couient al cestuy que ad  
tiel droit de faire auter  
claime deins lan & iour  
aprez le primer claime, &  
aprez tiel ſecond claime  
de faire le tierce claime  
deins lan & iour, si il voit  
eſte ſure de ſauer ſon en-  
tre. Mez si le diſſeiſor de-  
mie seſſie deinz lan & iour  
aprez le diſſeiſin, & nul  
claime fait, donquez le

and hee dare not enter for  
feare of death or beating,  
but approacheth as nigh as  
he dare, and maketh claim  
thereto within the yeare  
and day beſore the death of  
him that hath the landes,  
if after he which hath the  
land die ſeiſed, & his heire  
is in by diſcent, yet he that  
maketh ſuch claime may  
enter vpon the heire not-  
withſtanding ſuch diſcent,  
for that that he hath made  
ſuch continual claime: but  
it behooueth y ſuch claime  
alwaies bee made within  
the yeare, & the day beſore  
the death of the tenant, for  
if ſuch a tenant doe not die  
ſeiſed within a yeare and a  
day after ſuch claim made,  
and yet he that hath right  
dare not enter, then it be-  
houeth him that hath ſuch  
right to make an other  
claime within the yeare &  
day after the firſt claime, &  
after ſuch ſecond claime to  
make y third claime with-  
in the yeare and day, if hee  
will be ſure to ſaue his en-  
try. But if the diſſeiſor die  
ſeiſed within the yeare and  
day after the diſſeiſin, and  
no claime made, then the  
entre



entre of the disseisee is taken away, for the yeare & day shall not be taken from the time of the title of the entre to him grown, but only from the time of the last claime by him made, as is aforesaid. See more hereof in Litt. lib. 3. ca. 7.

123 Counterplee.

Counterplee, is when one bringeth an action, & the tenant in his answer & plea voucheth or calleth for any man to warrant his title, or praieth in aid of another, which hath better estate then he, as of him his in the reuersion, or if one that is a stranger to the action, come & pray to be receiued, to saue his estate, if the demandant reply thereto, & shew cause that he ought not such a one to vouch, or if hee ought not of such a one to haue ayde, or that such a one ought not to be receiued, this plea is called a Counterplee to the vouch, aid, or rescit, as the case is, but if the vouch be allowed, and when the vouch cometh in & demandeth what cause the tenant hath, & the te-

entre le disseisee est tolle, car lan & iour ne serra prise de le temps del title dentre a luy accrue, mes seulement de le temps del darrein claime p luy fait, come est auantdit. Vide pluis de ceo en Litt. lib. 3. cap. 7.

Counterplee.

Counterplee est lou vn port vn action, & le tenant en son respons & plea vouch ou appel pur aucun home pur garrant son title, ou prayer ayde de auter, que ad meliour estate, cōe de cestuy en la reuersion, ou si vn estrange al action vient, & prayera destre rescu de sauer son estate, si le demand reply a ceo, & monstre cause que il ne doit tiel home vouch, ou que ne doit de tiel home eyde auer, ou que tiel home ne doit estre rescu, cest plea est appel vn counterplee al vouch, ayde, ou rescit, come le case est, mes si le vouch soit allowed, & quant le vouchee vient eins & demande quel chose le tenaunt ad de luy vouch, & le te-

G iij,

nant

## The Exposition of

naunt monstre son cause, & le vouchee plede ascun matter de' auoier le garrantie, ceo est appel couns terplee del garrantie,

nant sheweth his cause, & the vouchee pleade any thing to auoid the warrant; that is called a counterplee to the warrantie,

124

Contract.

Contract.

**C**Ontract, est vn bargain, ou couenant pe-  
renter ij. parties ou, vn chose est done pur auter q̄ est appel (Quid pro quo) come si ieo vende mon chival pur argent, ou si ieo couenaunt de faire lease a vous de mon mannor de Dale, en consideration de xx. li. que vous dones a moy, ceux sont bone contracts, pur ceo q̄ il ad vn chose pur aut. Mes si vn home fait promise a moy, que ieo auera xx. s. & que il voyle este dettour a moy de ceo, & puis ieo demande xx. s. & il ne voyle a moy deliuer, vn- core ieo nauera iammes action pur recouer cest xx. s. pur ceo que cest promise ne fuit contract, mes nudus pactus. Et ex nudo pacto non oritur actio, mes si ascun chose fuit done pur le xx. s. mesque

**C**Ontract, is a bargain, or couenant betweene two parties, where one thing is given for another which is called, Quid pro quo, as if I sell my horse for money, or if I couenāt to make you a lease of my mannor of Dale, in consideration of xx. li. that you shall give me, these are good contracts, because there is one thing for another; but if a mā make promise to me, that I shall haue xx. s. and that he will be dettor to me thereof, & after I aske the twenty s. and he will not deliuer it, yet I shal neuer haue any action to recouer this twenty shillings, for that that this promise was no contract, but a bare promise. And ex nudo pacto non oritur actio, but if any thing were given for the twenty shillings, though it were not

not but to the value of a peny, then it had berne a good contract.

il ne fuit forsque al value vn denier, donques il fuit bone contract.

125 Contra formam collationis.

*Contra formam collationis.*

**C**ontra formam collationis, is a Writ, and it lyeth where a man hath given landes in perpetuall almes to any of the late houses of Religion, as to an Abbot, and to the Couent, or other soueraigne, or to the Warden or Master of any hospitall, and his couent to find certaine poore men, and to do other diuine seruice, if they alien the lands, then the donour or his heires, shal haue the said Writ for to recouer the land, but this writ shal be alway brought against the Abbot or his successor, and not against the alienee, although that hee bee tenant, but in all oother actions where a man demandeth freehold, the Writte shalbe brought against the tenant of the land. See the Statute Westm, 2. cap. 41.

**C**ontra formam collationis, est vn brieve, & gist lou home done terres en perpetual almoigne a ascun meason de Religion, come a vn Abbe & la Couent ou a aut Soueraigne, ou al gardein ou Master de ascun Hospital, & son couent, de trouer certaine pouer homes, & de faire auter dinine seruice, s'ils alien les terres, donques le donour ou ses heires, aueront le dit brieve pur recoü le terre, mes cest brieve serä tous foirs port vers le Abbot ou son successor, & nemy vers alienee, comēt q il soit tenät; mes en tous auters actions lou hom demaund franktenement, le brieve serra port vers le tenant del terre. Vide le Stat. West, 2. cap. 41.

The Exposition of

126 *Contra formam feoffamenti.*

**C**ONtra formam feoffamenti, est vn brieve, & gift lou vn home deuant le statute de Quia emptores terrarum, quel fuit fait An. 18. Ed. le prim, infeoffe auſ per fait de faire certayne seruice, si le feoffour ou ses heyres distrayne luy de faiz auter seruice que est compris en le fait, donques le tenant auera cest brieve, luy commaundant que il ne distraine luy de faire auter seruice, que nest compris deins le fait: mes cest brieve ne gift pur le plaint q clayme per purchase del primer feoffee, mes pur tiel plaintife que claime come heire al primer feoffee.

*Contra formam feoffamenti.*

**C**ONtra formam feoffamenti, is a Writ, and it lyeth where a man before the statute of Quia emptores terrarum, which was made An. 18. Ed. the first, infeoffed another by deed to do certain seruice, if the feoffour or his heires distraine him to doe other seruice then is comprehended in the deed, the the tenant shal haue this Writ. commaunding him that he distraine not him to do other seruice, that is not comprehended within the deede: but this writ lyeth not for the plaintife which claimeh by purchase from the first feoffee, but for such plaintife as claimeh as heire to the first feoffee.

127 *Contributione facienda.*

**C**ONtributione facienda, est vn brieve, & gift lou sont diuers Parceners, & celuy que ad le part del eygn, fait tout le suite al Seignour, les auters doyent faire contribution a luy

*Contributione facienda.*

**C**ONtributione facienda, is a Writ, and it lyeth where there are diuers Parceners, and hee which hath the part of the eldest, doth make a the suit to the Lord, the other ought to make contribution to him, and

and if they will not, he shal  
haue against them the said  
Writ.

128 *Conusance.*

**C**Onusance of Plee, is a  
Priviledge that a Ci-  
tie or towne hath of the  
Kings grant to hold plee  
of all contractes, and of  
Landes within the pre-  
cinct of the Franches, and  
that when any man is im-  
pleaded for any such thing  
in the Court of the King  
at Westminster, the Ma-  
yor and Bailiffes of such  
Franchises or their attur-  
neys may aske Conusance  
of the plee, that is to say,  
that the plee and the mat-  
ter shall bee pleaded and  
determined before them.

But if the Court at  
West. be lawfully seised  
of the plee, before Conu-  
sance be demanded, then  
they shall not haue Conu-  
sance for that suite, because  
they haue negligently sur-  
ceased their time of demaund  
thereof, but this shall  
bee no barre to them to  
haue Conusance in an o-  
ther action, for they may  
demand conusance in one  
action, & omit it in another

& s'ils ne voillent il auec  
vers eux le dit briefe.

*Conusance.*

**C**Onusance de plee, est  
vn priuiledge que vn ci-  
tie ou ville ad del graunt le  
Roy de tener plee des  
tours contractes, & des ter-  
res deins le precinct del  
Fraunchises: & quant ascu  
home est impleaded pur  
ascun tiel chose en le court  
de Roy al Westminster, les  
Maiors ou Baliffes de tiels  
Franchises ou leur Attur-  
neys poyent demaunder  
Conusance del plee, scili-  
cet, que le plee & le matter  
serra plede & determine  
deuaunt eux.

Mes si le court al West.  
soit loyament seisie del  
plee deuaunt que Conu-  
sance soit demaund, don-  
ques ils ne aueront Conu-  
sance pur cest suite, pur  
ceo q'ils ont negligentmr  
surcease leur temps de de-  
maunder ceo, mes cest ne  
serra barre al eux dauer co-  
nusance en auter action,  
car ils poyent demaunde  
Conusance en vn action,  
& omitte; ceo en auter  
action

# The Exposition of

action a lour pleasure.

Et nota que Conuſance ne giſt en preſcription, mes ils couient monſtre letters patēt's le Roy pur ceo,

action at their pleasure.

And note that Conuſance lyeth not in preſcription, but it behooueth to ſhew the king's letters patents for it.

119

*Corodie.*

**C**orodie eſt vn allowance of meate, pane, boyer, argent, veſtmentes, lodg. & tiels choſes neceſſarie pur ſuſtenance : ceo aſcun ſoits eſt certaine ou le certainty des choſes eſt limit, aſcun ſoits vncertain loun eſt limit le certaintie que il auer: Et aſcun de eux commence per graunt fait per aſcun home al auter, & poit eſtre pur vie, ans, en tail ou fee: & aſcun Corodies ſont de cōmon droit, ſi come cheſcun ſouder de Abbies, Priories, Nunries & auters meafons de religion papiftick, auoient authoritie daſſigner tiel in meſme les meafons (quant ils furent) pur ſon pere, frere, coſin ou auter home que il voir, que prendroit ceo, ſil ſuit vn meafon demaignes, & ſil ſoit ſouder del meafon de Nunnes

*Corodie.*

**C**orodie is an allowance of meate, bread, drink, money, clothing, lodging, & ſuch like things neceſſarie for ſuſtenance. It is ſometimes certaine where the certaintie of things is ſet downe, ſometimes vncertaine where the certaintie of things is not ſette down which he ſhall haue: And ſome of them began by grant made by one mā to another, and it may be for life, yeres, in taile, or in fee: & ſome Corodies are of common right as euery founder of Abbies, Priories, nunries, & other houſes of religion, had authoritie to aſſigne ſuch in the ſame houſe, whē they were ſtanding, for father, brother, coſin or other mā that he would appoint, ſhould take it, if it were a houſe of Monks, and if he were ſouder of a houſe of Nunnes

or

or women, then for his  
mother, sister, cousin, or  
other woman that he would  
direct thither, and alway  
this was provided for,  
that he should have Corodie in a  
house of Monkes, might  
not send a woman to take  
it. For where Corodie  
was due in a nunry, there  
it was not lawfull to ap-  
point a man to receiue the  
same, for in both cases such  
presentation was to be re-  
jected. And this Corodie  
was due as wel to a com-  
mon person that was  
founder, as where the King  
himselfe was founder,  
but where the house was  
holden in frankalmoine,  
there the tenure itself was  
a discharge of Corodie a-  
gainst all men, except it  
were afterward charged  
voluntarily, as when the  
King would send his writ  
to the Abbot for a corodie,  
for such a one whom they  
admit, there the house should  
be thereby charged for e-  
uer, whether the King  
were founder or not. See  
the Writ of Corod. hab.  
in Fitz. Natura bñ. Fol.  
130.

ou muliers dunque ceo  
pur la mere, loer, cousin,  
ou autre mulier que il void  
direct al ceo, & toutes  
iours cest prouiso fuit en,  
que il que ad Corodie en  
vn maison de moignes ne  
dunt mitter vn feme de  
prendre ceo. Ne ou Co-  
rodie fuit due en vn Nun-  
rie, la il ne fuit loyall de  
appointer vn home de re-  
ceiuer ceo, car en ambi-  
deux cases tiel presentati-  
on fuit deste reiect. Et  
cest Corodie fuit due sibi  
en a vn common person  
que fuit founder, si come  
ou le Roy mesme fuit  
founder, mes ou le meaf  
fuit ten' en frakalmoigne,  
la le tenure mesme fuit vn  
discharge de corody en cō-  
ter tous homes si non que  
il fuit apre, charge volun-  
tariment, come ou le Roy  
voit mitter son brieve al  
Abbe pur vn Corodie pur  
vntiel le que ils admit. la  
le maison doit este charge  
per ceo a toutes iours, si  
le Roy soit found' ou ne-  
my: vide breue de Corod.  
hab. en Fitz. Natura bñ.  
fol. 130.



## The Exposition of

130

*Coroner.*

**C**Oroner est vn auncient officer de trust, & de graund authoritie, ordeine deeste vn principall conseruator, ou gardein de la peas, a popter recordds ples del crowne & del son view demesne & de diuers autres choses mult en nūber &c, & pur ceo en temps le roy Edward le primer cest estatute sequens fuit fait pur, ceo que petit gens meins sages soient eslieus ore de nouel communement al office del Coroner, ou mistyer serroyt que probes homes, loyalx & sages se entermellant de cel office. Purueieu est, que per tous les counties soyent eslieus sufficient homes coroners, de plus loials & plus sages chivalers, que mieux sachant pussint & voient a cel office entendre, & que loyalment attachent & representent les ples del Corone.

Et nient obstant le let de cest estatute ne soit precisement obserue, vncore al meins le entent doit estre pursue, cy pres come

*Coroner.*

**C**Rowner, is an ancient Officer of trust and of great authoritie ordeined to bee a principall conseruator, or keeper of þe peace to beare record of þe ples of the crown, & of his own sight, and of diuers other things many in number, &c. and therefore in King Edw. the first daies this Statute following was made, sozasmuch as mean men, and vndiscreete now of late are commonly chosen to the office of the Coroner, where it is requisite that wise men lawfull and able should occupie such offices. It is prouided þe througħ all shires sufficient men should be chosen to be Coroners, out of the most wise & discreetest knights which best knew, could, & would attend this Office, and to which faithfull made and represented the ples of the Crowne.

And although the Letter of this Statute bee not precisely obserued, yet at the least, the intent should bee followed as nigh as mought

mought be, that for the default of knights, Gentlemen furnished with such qualities as the Statute fetherth downe (of which sort there be many) might be chosen with this addition, that they be vertuous and good knowne christians. See hercof in the wpte de Coronatore eligendo in Fitz. Natura Breuium fol. 163.

poit, issint que p le default des Chivaliers, Gentlehomes furnished oue tiels qualities si come le statute parle (de que ils y ad diuers) poyent estre elieu, oue cest addition que ils soient vertuous & bon connus Christians. Vide de ceo en le brieft de Coronatore eligendo in Fitz. Natura breuium fol. 163.

131 Corporation.

**C**orporation, is a permanent thing that may haue succession: And it is an assemblee and ioyning together of many into one fellowship, brotherhood, & mind, whereof one is head and chiefe, the rest are the bodie, and this head and bodie knit together, make the Corporation. And of Corporations some are called Spiritual, & some Temporal, & of those that are Spirituall, some are corporations of dead persons in lawe, and some otherwise, and some are by the authoritie of the King only, and some haue beene of a mixt authoritie,

Corporations.

**C**orporatiō, est vn chose permanent que poit auer succession: Et est vn assemblee & ioyning ensemble de diuers en vn fellowship, fraternitie, & ment, de que vn est le teste & principall, les autres sont le corps, & cest teste & corps ioint ensemble font le Corporation. Et de Corporations ascuns sont appellez spirituals, & ascuns temporals, & de ceux que sont spirituals ascuns fueront corporations de mort persons en ley, & ascuns auterment, & ascuns sont per authoritie del roy seulement, ascuns ont estre dun mixt authoritie.

Et

## The Exposition of

Et de ceux queux sont tēporal ascūs sont p aucthoritie de Roy auxy, & ascūs per le common ley del Realme.

Corporation spirituall, & de mort perſons en le ley, est lou le Corporation consist dū Abbe & Couēt, & ceux ont leur cōmencement del Roy, & le hōm de Romē, quant il y ad a fayre cy.

Corporation spirituall & del able perſons en ley, est lou le Corporation consist dun Dean & Chapter, Master del Colledge ou Hospitall, & cest corporation ad cōmencement del Roy solement.

Corporatiō tēporal ple Roy est vn Maior & Communalte.

Corporation temporall per aucthoritie del commō ley est le assembly en Parliament le quel consist del Roy le tēste del corporation, & des Seigniors spirituels & temporals, & lez Commons del Realme, le corps del corporation.

And of those that are temporall, some are by the aucthoritie of the King also, & some by the common lawe of the Realme.

Corporation spirituall, and of dead persons in the law, is where the Corporation consisteth of an Abbot and Couent, and these had beginning of King, & the man of Rome when he had to do here.

Corporation spirituall, & of able persons in law, is where the Corporation consisteth of a Deane and Chapter, Master of a colledge or hospitall, & this corporation had beginning of the King onely.

Corporatiō tēporal by the King, is where there is a Maior & Commualte.

Corporation temporall by aucthoritie of the Common law, is the assembly in Parliament, which consisteth of the King the head of the Corporation, & of the Lords Spirituall & Temporall, & the Commons of the Realm, the body of the corporation.

132 *Bodies politike.*

**B**Odies politike, are Bishops, Abbots, Priors, Deanes, parsons of churches, and such like, which haue succession in one person only.

133 *Corruption of blood.*

**C**ORruption of blood, is when any is attainted of Felonie or Treason, then his blood is said to be corrupt, he meanes where of his children nor any of his blood cannot be heires to him, or to any other ancestor, for which they ought to claime by him. And if he were a noble or gentleman before, he and all his children thereby are made vnnoble & vngentle, hauing regard to the nobilitie or gentrie they claime by their father, which cannot be made whole againe by the kings graunt without authoritie of Parliament.

134 *Cosinage.*

**C**osinage is a witt, and it lyeth where my great Grandfather, my Grandfathers grandfather, or other cosin dieth seised in fee

*Corps politike.*

**C**Orps politike, s'ot Eueques, Abbes, priors, Deanes, Parsons dun esglise, & tiels semblables, queux ont succession en vn person solement.

*Corruption of blood.*

**C**ORruption de sangue, est quant ascun est attaint de Felonie ou Treason, donques son sangue est dit deste corrupt, p reason de quel ses enfans ne asc' de son sangue ne poyent estre heires a luy ne al ascun auter auncester, pur que ils doyent claime per luy. Et sil fuit noble ou gentile home deuaunt, il & tours ses enfans per ceo sont faits ignoble & vngentle, ayant regards al nobilitie ou gentrie ils claime per leur pere, que ne poit estre fait sane arriere per graunt le Roy sans auctoritie de Parliament.

*Cosinage.*

**C**osinage est vn bris fe, & gift lou mon besaiel, mon tresaiel, ou auter cosin deuie seisie en fee

H

simple,

## The Exposition of

simple, & vn estrange abata cest adire, enter en les terres, donques ieo auera vers luy cest brieve, ou deuers son heire ou son aliennee, ou deuers quecunque q̄ aueigne apres a les dits terres. Mes si mon aiel deuie seisi, & vn estrange abate, donques ieo auera vn brieve de Aiel. Mes si mon pere, mere, frere, soer, vn- cle, ou aunt, deuie seisie, & vn estrange abata, donques ieo auer vn assise de Mort- dauncester.

135 *Couenant.*

**C**Ouenant, est vn agree- ment fait per fait en es- cript & enseale perenter deux persons, lou chescun de eux est renus al auter de performer certaine coue- nants pur son part, si lun de eux ne tient pas son co- uenant mes enfreint ceo, donques celuy que se sent de ceo greue, auera ent vn brieve de couenant.

Et nota bien q̄ nul brieve de Couenant terra main- tenable sauns especial- tie, si non en la Citie de

Simple, and a stranger abateeth, that is to say, en- treth into the landes, then I shall haue against him this Writ, or against his heire, or his aliennee, or against whomsoever that cometh after to the said lands. But if my Grand- father die seised & a stran- ger abateeth, then I shall haue a writ of Aiel. But if my father, mother, bro- ther, sister, vnicle, or aunt, die seised, and a stranger abateeth, then I shall haue an Assise of Mortdau- nester.

*Couenant.*

**C**Ouenant, is an agree- ment made by deede in writing & sealed betwene two persons, where euerye of them is bounden to the other to performe certaine couenants for his part, & if the one of them holdeth not his couenant, but brea- keth it, then he which ther- of feeleth himselfe greued shall haue thereupon a Writ of Couenant.

And note well that no writ of Couenant shall be maintainable without es- pectalty, but in the cite of London.

**L**ondon, or in some other  
such place privileged by  
custome and vse.

**L**ondres, ou en ascun au-  
riel lieu priuiledge per cu-  
stome & vse,

136 Couerture.

**C**ouerture, is whe a man  
and a woman are mar-  
ried together, now what  
soeuer is done concerning  
the wife in the time of the  
continuance of this marri-  
age betweene them is said  
to bee done during the co-  
uerture, and the wife is  
called a woman couert.

*Couerture.*

**C**ouerture, est quant vn  
home & vn feme sont  
espouse ensemble, ore ascū  
chose que est fait concer-  
nant la feme en le temps  
de le continuance de cest  
marriage perenter eux est  
dit de estre fait durant le co-  
uerture, & le feme espouse  
est appel vn feme couert.

137 Couin.

**C**ouin, is a secret assent  
determined in the hearts  
of two or moze, to the pre-  
iudice of another: As if  
a tenant for terme of life,  
or tenant in taile, will se-  
cretly conspire with ano-  
ther, that the other shal re-  
couer against the tenant  
for life the land which hee  
holderth &c. in preiudice of  
him in the reuerſion.

*Couin.*

**C**ouin, est vn secret assent  
determiné en les cures  
de deux ou plusors al pre-  
iudice dun autre: Come si  
tenant pur tme de vie, ou  
tenar en le taile secretmēt  
conspire oue vn aut, q laut  
recouera vers le ter ar pur  
vie le terre que il tient &c.  
en preiudice de celuy en le  
reuerſion.

138 Cui in vita.

**C**ui in vita, is a Will, &  
it lyeth where a man is  
seised of landes in fee ſim-  
ple, or fee taile, or for terme  
of life in the right of his

*Cui in vita.*

**C**ui in vita, est vn brieve,  
& gist lou home est  
seisie de terres en fee ſim-  
ple, ou fee taile, ou pur  
terme de vie, endroit sa  
H ij. feme,

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feme, & alién m le terre, & deuie, donqs el auera le dit briefe pur recouer la terre.

Et nota bien que en cest briefe son title doit este monstre si soit de purchase la feme, ou de le heritage la feme, Mes sile baron alien le droit la feme, & le baron & la feme deuioir, le heire la feme auera vn briefe de sur Cui in vita.

### 139 *Cui ante diuortium.*

**C**Vi ante diuortium, est vn briefe, & gift en semblable maner, quant tiel alienation est fait per le baron del terre la feme, & puis deuorce est ew enter eux, donques la feme auera cest briefe, & le briefe dirra, cui ipsa ante diuortium contradicere non potuit.

### 140 *Curtesie Dengleterre.*

**C**urtesie Dengleterre, est lou home prent feme seisie in fee simple ou fee taile, general, ou seisie com heire de la taile especiall, & ad issue per la feme

wife, and alieneth the same land & dieth, then she shall haue the said writ for to recouer the land.

And note well þ in this writ her title must be shewen whether it bee of þ purchase of the woman, or of the heritage of the woman. But if the husband alien the right of his wife, & the husband and the wife die, the wifes heire may haue a writ of sur Cui in vita.

### *Cui ante diuortium.*

**C**Vi ante diuortium, is a Writ, & it lyeth in like maner, when such alienation is made by the husband of the wifes land, & after deuorce is had betwene them, then the woman shall haue this writ, & the writ shall say, to whom she before þ deuorce might not gainsay.

### *Curtesie of Eng-land.*

**C**urtesie of England, is where a man taketh a wife seised in fee simple, or fee taile general, or seised as heire of the taile especiall, & hath issue by the wife male



male or female, be the issue  
dead or in life, if the wife  
die, the husband shall hold  
the land during his life by  
the law of England: and  
it is called tenant by the  
Curtesie of England, be-  
cause that this is not vsed  
in no other Realm but on-  
ly in England.

male ou female, soit issue  
mort ou en vie, si la feme  
deuie, le baron tiendra la  
terre durant sa vie per la  
ley de Angleterre: Et est  
appel tenant per le Curte-  
sie de Angleterre, pur ceo  
que nest vsé en nul auter  
Realm fors q; tantsolement  
en Angleterre.

D.

141 Damage fasant.

**D**amage fasant, is when  
a strangers beasts are  
in another mans ground,  
without lawfull authority  
or licence of the tenaunt of  
the ground, and there doe  
feede, tread, and otherwise  
spole the cozne, grasse,  
woods, or such like: In  
which case the tenant who  
they hurt may therefore  
take, distraine, & impound  
them, aswell in the night  
as in the day. But in other  
cases, as for rent, and ser-  
uices, and such like, none  
may distraine in the night  
season.

D.

*Damage fasant.*

**D**amage fasant, est quant  
les beasts de vn estrange  
sont en auters terres sans  
auctorité loial ou licence  
del tenant de la terre, & la  
mangeront, tread, ou au-  
rnt spoilé les blees, grasse,  
bois, ou tiels semblables:  
En quel case le tenant que  
ils issint damage, poit pur  
ceoprendre, distraine, &  
impounde eux, cibien en le  
nuict come en le iour. Mes  
en auters cases, come pur  
rent, & seruices, & tiels  
semples, nul poit distrainer  
en le nuict temps.

*Dangelde.*

142 Dangelde.

**D**angelde, that is to be  
quitte of a certayne cus-  
tom which hath run some

**D**angelde, hoc est quic-  
cum esse de quadam cus-  
titudine q; cucurrit aliquo  
H. ij. temp

## The Exposition of

tempore, quam quid ē. Dani leuauerunt in Anglia.

Ceo commence primerment en temps le Roy Etheldred, quel esteant en grand distresse per le continual inuasion de les Danes pur purchaser paix, fuit cōpel de charger son pais & people oue importabl' paiements, car il primmēt don̄ eux al cinq seueral paūnts 113000.lib. & puis graunt al eux 48000.li. annualmēt.

times which the Danes did leue in England.

This began first in the time of King Etheldred, who being sore distressed by the continual inuasion of the Danes, so purchase peace, was compelled to charge his countrey and people with importable payments, for he first gaue thē at fīue seueral paūnts 113000.l. and afterwards graunted them 48000.l. yearly.

### 143 Darreine presentment.

Darreine presentmēt, vide de ceo apres titulo Quare impedit.

### Darrein presentment.

Darrein presentmēt, looke theretofore after in the title Quare impedit.

### 144 Deane & Chapter.

Deane & Chapter, est vn corps corporate spiritual, consistant de plusieurs able persons en ley, come noismement de Deane (que est principall) & ses Prebends, & ils ensemble font le Corporation. Et sicome cest Corporation poyent ioyntment purchase terres & tenements al vse de leur esglise & successeurs. Ils snt auxy chescun de eux

### Deane & Chapter.

Deane & Chapter, is a bodie corporate spiritual, consisting of many able persons in Lawe, as namely the Deane (who is chiefe) and his Prebends, and they together make the Corporation. And as this Corporation may ioyntly purchase lands and tenements to the vse of their Church & successors. So likewise euery of the

eueryly may purchase to the vse of himselfe and his heires.

seueralmt poit purchase al vse de luy & les heires.

145 *Decies tantum.*

*Decies tantum.*

**D**ecies tantum, is a writ and lyeth where a Juror in any inquest, taketh money of the one part or other to giue his verdict, then hee shall pay tenne times as much as he hath received, & euery one that will sue may haue an action, and shall haue the one halfe, & the king the other halfe. But if the king in such case release by his pardon to such a iuroz, yet that shall be no bar against him if he bringeth the action, but that he shall recouer the other halfe, if his action be commenced before the pardon of the king, but if the pardon be before any action, it is a barre against all men. And the same law is of all other actions popular, where one parte is to the king, & the other to the party that sueth. And the embracers which procure such inquests shall be punished in the same manner. And they shall haue the imprisonment of a year

**D**ecies tantum est vn briefe, & gist lou vn iuroren ascun enquest, prist argent dun partie ou dauter pur done son verdict, conques il payera x. fois a tant q'il ad receiue. Et chescun que voil suer puit auer le action, & auera lun moitie, & le Roy l'auter moity. Mes si le roy en tiel case release per son pardon a tiel iourour, vncore ceo ne terra barre vers cestuy que port l'action, mes que il recouera l'auter moitie, si son action soit commence deuant le pardon le Roy, mes si le pardon soit deuant ascun action, il est barre encounter toutes gens. Et mesme le ley est de toutes actions populaires lou vn part est al Roy, & l'auter al partie que suera. Auxy les embracers que procurent tiels inquestes seront puny en mesme le manner: & ils aueront prisonmt de vn an,

Hiij

Mes

The Exposition of

mesnil iustice enquirera  
de ceo de office, mes sole-  
ment al suire del partie,

but no iustice shall inquire  
thereof of office, but onely  
at the suite of the partie.

146

*Declaration.*

*Declaration.*

**D**Eclaration est vn mon-  
straunce en escript de  
le grieve & complaint de  
le demandant ou plain-  
tife enuers le tenaunt ou  
defendant, en que il sup-  
pose de auer receiue tort,  
& cest declaration doit  
estre plaine & certeine, pur  
ceo que il impeach le de-  
fendant outenant & auxy  
chace celuy a responder.  
Mes nota que declaration  
fait per le demandant vers  
le tenaunt en action Real,  
est appel properment vn  
Count.

Nota que le Count ou  
declaration doit contene  
demonstration, declara-  
tion & conclusion. Et en  
demonstration sont con-  
teines troyes choses (cest  
adire) que se pleint, &  
deuers que, & de quel  
chosc; & en le declara-  
tion doit estre com-  
prise come & en quel  
manner le cause del action

**D**Eclaration, is a shew-  
ing in writing of the  
grieve & complaint of the  
demandant or plaintife  
against the tenant or de-  
fendant, wherein he sup-  
poseth to haue receiued  
wrong, & this declaration  
ought to be plaine and cer-  
taine, both because it im-  
peacheth the defendant or  
tenant, & also compelleth  
him to make answer ther-  
to. But note that such de-  
claration made by the de-  
mandant against the te-  
nant in an action Real, is  
properly called a Count.

Note that the Count or  
declaration ought to con-  
tein demonstration, decla-  
ration, & conclusion. And  
in demonstration are con-  
teined 3. things, (that is  
to say) who him complai-  
neth and against whom, &  
for what matter, & in the  
declaration what ought to  
be comprised. how and in  
what manner the action  
rose

rose betweene the parties,  
and whe & what day, yere,  
and place, and to whome  
the action shall be giuen.

And in the conclusion,  
he ought to auerre & pro-  
fer to prooue his sute, and  
shew the damage which he  
hath sustained by & wrong  
done vnto him.

147 *Dedimus potes-*  
*statem.*

**D**edimus potestatem, is  
a Writ, and it lyeth  
where a man sueth in the  
Kings Court, or is sued, &  
may not well trauell, then  
he shall haue this writ di-  
rected to some Justice, or  
other discret person in the  
Countrey to giue to him  
power to admit some man  
for his Atturney, or to le-  
ue a fine, or to take his  
confession or his answer,  
or other examination as  
the matter requirith.

148 *Defendant.*

**D**efendant, is hee that is  
sued in action personal,  
and hee is called tenant in  
an action Reall.

149 *Defence.*

**D**efence, is that which &  
defendit ought to make

surdit enter les parties, &  
quant & quel iour, an, &  
lieu, & a que l'action serra  
done.

Et en perclose il doit au-  
uerre & profer de prouer  
son sute & monstra les da-  
mages queux il susteine per  
le tort a luy fait.

*Dedimus potestas-*  
*tem.*

**D**edimus potestatem, est  
vn briefe, & gist lou vn  
hoim sua in le court le roy,  
ou est sue & ne puit bien  
traueiler, donque il auera  
cest briefe direct a ascū Ju-  
stice ou auter discret per-  
son en le payes de doner a  
luy power pur admit ascun  
pur son Atturney, ou de le-  
ue fine, ou de prender son  
confession ou son respons,  
ou aut examination come  
le matter require.

*Defendant.*

**D**efendant, est celuy que  
est sue en action perso-  
nel, & est appel tenant en  
vn action Reall.

*Defence.*

**D**efence, est ceo que le  
defendaunt doit sayre  
im.

## The Exposition of

immédiatement apres le count ou declaration fait, cest adire, que il defendra toute le tort force & damage, lou & quant il deuera, & donques de procede ouster a son plee, ou de imparler.

Et nota, que entant que il defend tort & force il se excuse del tort vers luy surmise, & fait se partie al plee, & per tant que il defende les damages, il affirme le partie plaintife able destre respōdue.

Et pur le residue del defence, il accept le power del court de oyer & determiner les ptees de cel matter. Car sil voile pleder al Iurisdiction, il doit omitter in son defence les parols (ou & quaut il deuera) & sil voile monstre aucun disability en le plaintife, & demaunde iudgement si le partie serra respondu, donquez il doit omitter le defence del damage.

immediately after the count or declaration made, that is to say, that he defendeth all the wrong, force, and damage, where and when he ought, and then to proceede farther to his plee, or to imparle.

And note that in so much that he defendeth force and wrong, hee doth excuse himself of the wrong against him surmised, and maketh him partie to the plee, and in so much that he defendeth the damage, he affirmeth the partie plaintife able to bee answered vnto.

And for the residue of the defence, hee accepteth the power of the Court to heare and determine their ptees of this matter. For if he will plead to the Jurisdiction, hee ought to omit in his defence these wordes (ou & quaut il deuera.) And if hee will shew any disability in the plaintife, and demaunde iudgement, & the partie shall bee answered vnto, then he ought to omit the defence of the damage.

150 Demaundant.

*Demaundant.*

**D**emaundant, is hee that sueth or complaneth in an action Real for title of land, & hee is called plaintife in an Assise, and in an action personall, as in an action of debt, trespass, detreit, detinue, and such like.

**D**emaundant est celuy q̄ sue ou complaine en action Real pur title de tre, & il est appel plaintife en vn Assise, & en vn action personall, come en actiō de debt, trespass, detreit, detinue, & tiels semblables.

151 Demaines.

*Demaines.*

**D**emaines, or demesnes, generally speaking according to the Lawe, bee all the parts of any manor which bee not in the hands of freeholders of estate of inheritance, though they bee occupied by Coptholders, lessees for yeares, or for life, aswel as tenant at will: But especially to speake, demaines according to the common speech bee onely vnderstoode the Lordes chiefe manor place, which hee and his auncestours haue from time out of minde, kept in their owne hands, and haue occupied the same, together with all buildings and houses

**D**emaines, ou demesnes, generalmēt a parler solongue le ley sont tous les parts de ascun manor q̄l ne sont en maines del Freeholders destate denheritance, coment soient occupies p̄ tenaunt per copy de Court Rol, lessees p̄ ans, ou pur vie, cybien come tenāt a volunte: Mes specialmēt a parler, demaynes solong; le common parlance sont solement entende le principall mannor place del Seignior, quel il & ses ancestors ont ewe de temps hors de memorie en leur maines demesne, & ount occupy ceo, ensemble one tous edifices & measons que



# The Exposition of

quecunq; Et auxy les pes,  
pastures, boys, terres erra-  
ble, & tiels semblables ou  
ceo occupie.

whatsoever: Also the mea-  
dowes, pastures, woods,  
errable land, and such like  
therewith occupied.

152 *Demy sanke ou  
sanguie.*

Halfeblood.

**D**emy sanke est quant vn  
home mary vn feme, &  
ad issue per luy vn fits ou  
file, & le feme morust, &  
donques il prist vn auter  
feme, & ad per luy auxy vn  
fits ou file. Ore ceux fits  
sont solonque vn manner  
freres, ou come ils sont ap-  
pels demy freres, ou freres  
del demy sanke cest adire  
frere per le part de pier, pur  
ceo que ils ont ambideux  
vn pier, & sont ambideux  
de son sangue, & nemy fre-  
res per le part le mere, ne  
de ascun sanke ou kin cest  
voy, & pur ceo lun de eux  
ne poit este heire al auter,  
ear il que voile clame cõe  
heire al vn per discent, doyt  
este dentier sank a luy de q.  
il clame. En mesme le  
manner est si feme eyt di-  
uers issues per diuers ba-  
rons, qui freres vterini di-  
cuntur.

**H**alfeblood, is when a  
man marieth a wife, &  
hath issue by her a sonne or  
daughter, and the wife dy-  
eth, and then he taketh an-  
other woman, and hath by  
her also a son or daughter.  
Now these two sons are  
after a sort brothers, or as  
they are termed halfe bro-  
thers, or brother of the  
halfe blood, that is to say,  
brother by the fathers side,  
because they had both one  
father, and are both of his  
blood, and not brothers at  
all by the mothers side, nor  
of blood ne kin that way,  
and therfore the one of the  
cannot be heir to other, for  
he that will claime as heir  
to one by discent, must bee  
of whole blood to him frõ  
whome hee clatmeth. In  
the same manner it is if a  
woman haue diuers issues  
by diuers husbands, who  
are called brothers by one  
mother.

153 De-

153 Demurrer.

**D**emurrer, is when any action is brought, & the defendant pleadeth a plea, to which the plaintiff answereth, that hee will not answer, for that it is not a sufficient plea in the law, & the defendant saith to the contrary, that it is a sufficient plea, and thereupon both parties do submit the cause to the iudgement of the court, then that is called a Demurrer, for that they goe no farther in pleading, but abide vpon the iudgement of that point and is said in the latine vsed in the Records, Moratur in lege.

*Demurrer.*

**D**emurrer est quant a scun action est port, & le defendant plede vn plea a q le plaintife dit que il ne vo le responder pur ceo q il nest sufficient plea en le ley, & le defendant dit al contray que il est sufficiee plea, & sur ceo ambideux misterot le cause al iudgement del court, donques ceo est appel vn Demurrer, pur ceo que ils ne vaont oustre in pleading, mes demurrer sur le iudgement de cel poynt, & dicieut en Latin vse en les Records, Moratur in lege.

154 Denizen.

**D**enizen, is where an alien bozne becommeth the Kings subiect, & obtaineth the R. Letters patents for to enioy all priuiledges as an English man; but if one be made Denizen he shall pay customes, and diuers other things as aliens, as it appeareth by diuers Statutes thereof made.

*Denizen.*

**D**enizen, est lou alien nee deuient le subiect le Roy & obtaine le letters patents le Roy pur enioy tous priuiledges, come vn home Anglois, mes si vn soit fait Denizen il payera customes & diuers autres choses come alien, come appiert per diuers statutes de ceo fait.

## The Exposition of

155 *Deodande.*

**D**Eodande, est quant ascü home per misfortune e occide per vn chival ou p charet, ou per auter chole que mouer en aydant de mort, donques cel chose q est le cause de son mort, q al temps de la misfortune moua, terra forfeit al roy & ceo est appel Deodande, & ceo pertaine al Almener le Roy pur disposer in alms & acts de charitie.

*Deodande.*

**D**Eodande, is when any man by misfortune is slaine by a horse, or by a cart, or by any other thing that moueth to further the death, then the thing that is cause of his death, and which at the time of his misfortune did moue, shall be forfeit to the king, and that is called Deodande, and that pertaineth to the Kings Alms for to dispose in almes and deedes of charitie.

156 *Departure de son plee ou matter.*

**D**Eparture de son plee ou matter, est lou vn home plede vn plee en barre & le plaintife reply a ceo, & sil aps en son reioynder plede ou monstre auter matf contrarie ou nient pursuant a son primer plea en barre, ceo est appel vn departure de son barre, &c.

*Departure from a plee or matter.*

**D**Eparture from a plee or matter, is where a man pleadeth a plee in bar, and the plaintife replyeth thers to, & he after in his reioynder, pleadeth or sheweth another matter, contrarie or not pursuing to his first plee, that is called a Departure from his barre, &c.

157 *Departure en spite del Court.*

**D**Eparture in spite del Court, est quant le te-

*Departure in despite of the Court.*

**D**Eparture in despite of the Court, is when tenant

nant or defendant appeareth to the action brought against him, & hath a day ouer in the same Terme, or is called after, though he had no day giuen him, so that it bee in the same terme if he do not appear but make default, it is a departure in despite of the Court, and therefore hee shall be condemned.

nant ou defendant appare al action port enuers luy, & ad iour ouster en mesme le terme, ou est demande apres, coment nul iour soit a luy done, ilint que soit en mesme le terme, sil ne appeare mes fait default, cest vn Departure en despite de Court, & pur ceo il terra condemne.

158 Deputie.

**D**Eputie, is he that occupieth in another mans right, whether it be office, or any other thing els, and his forfaiture or misdemeanor shall cause the officer, or him whose deputy he is, to loose his office or thing. But a man cannot make his deputy in all cases, except the graunt so be: as if it be with these or such like wordes, to exercise or vse by himselfe or his sufficient deputie, or if the wordes goe further, to himselfe or his deputie, or the deputie of his deputie, then he may make a deputie, and his deputie also may make a deputie, or els not.

Deputie.

**D**Eputie est celuy que occupat en auter droit, soit ceo office ou ascun auter chose, & son forfaiture ou misdemeanor causera l'officer, ou celuy que deputy il est de perdre son office ou chose. Mes vn ne poit faire son deputie en tous cases, nisi le graunt soit il: si come il soit oue ceux ou tiels semblables parolx, exercendo per se, vel sufficientem deputatum suum, ou si les parolx va ouster, p se vel deputatum suum, aut deputat' deputari, donques il poit faire vn deputy, & son deputy auxy poit faire vn deputy, auterment nemy.

159 Det

**D**Et est vn briefe, & gift  
lou ascun summe, dar-  
gent est due a vn per reas-  
son de accompl, bargaine,  
contract, obligatiō, ou au-  
ter especialtie, a estre paie a  
ascun certaine iour, a quel  
iour il ne paie pas, don-  
ques il auera cest briefe.  
Mes si ascun summe de ar-  
gent soit due a ascun Seig-  
nour per son tenant, pur  
ascun rent seruice, le Seig-  
nour ne vnques auera acti-  
on de det pur ceo, mes il  
couient tous foits distrain  
pur ceq. Auxie pur rent  
charge ou rent seck, quel  
home ad pur terme de son  
vie, en taile, ou en fee, il  
nauera action de det cy  
longe come le rēt endure,  
mes ses executors poient  
auer vn action de det pur  
les arrerages de ascun des  
dits rēts due en le vie leur  
testator, per le estatute 32.  
H. 8. cap. 37.

Mes p les arrerages de  
rent reservee sur vn lease  
pur terme de ans, le lessor  
est a son election de auer  
action de det, ou pur di-  
strainer: Mes si le lease soit

**D**Ebt is a writ, and it li-  
eth where any summe  
of money is due to a man  
by reason of account, bar-  
gain, contract, obliga-  
tion, or other especialty, to  
be payed at a certaine day,  
at which day hee payeth  
not, then he shall haue this  
writ. But if any summe of  
money be due to any Lord  
by his tenant for any rent  
seruice, the Lord shall ne-  
uer haue action of debt for  
that, but it behooueth him  
alway to distaine for it.  
Also for rent charge or rēt  
seck, which any man hath  
for life, in taile, or in fee, he  
shall not haue any action  
of debt as long as the rent  
continueth, but his execu-  
tors may haue an action  
of debt for the arrerages  
of any of the said rents due  
in the life of their testator  
by the Statute 32. H. 8.  
cap. 37.

But for the arrerages  
of rēt reserved by a lease  
for terme of years, the les-  
sor is at his electiō to haue  
an action of debt, or for to  
distrain: but if the lease bee  
deter.

determined, then hee shall  
not distraine after for that  
rent: But hee must haue  
an action of debt for the  
arrearages.

And note that by the law  
of the realme, debt is onely  
taken to arise vpon some  
contract or penaltie im-  
posed by some statute or pain  
and not by other offences:  
as in the Ciuill law, De-  
bitum ex delicto.

160 Deuastauerunt bona  
testatoris.

**D**euastauerunt bona te-  
statoris, is when the ex-  
ecutors will deliuer the  
legacies that their testator  
hath giuen, or make resti-  
tution for wrongs done by  
him, or pay his debts due  
vpon contracts, or other  
debts vpon specialties,  
whose dates of paymēt are  
not yet come &c. And heere  
not sufficient in their hāds  
to discharge those debts  
bys records or specialties  
that they are compellable for-  
merly by the law to satisfy  
the they walke constrained  
to pay of their own goods  
those vnties, which at the  
first by law they were com-  
pelled to pay, according to

determin, donq̃s il ne dis-  
trainera aps pur cel rent:  
Mes couient luy dauer vn  
action de debt pur les ar-  
rerages.

Et nota, q̃ p le ley del  
Realme, debt est solement  
prise de surder sur al cū cō-  
tract ou penaltie imposee p  
ascun statute ou paine, &  
nemy pur aut offences:  
come en le Ciuill ley, De-  
bitum ex delicto.

*Deuastauerunt bona  
testatoris.*

**D**euastauerunt bona te-  
statoris, est quāt les ex-  
ecutors voyle deliuer les  
legacies que leur testatour  
ad done, ou faire restitutio  
pur torts faits p luy, ou pay  
ses debts due sur cōtracts  
ou auters dets due sur spe-  
cialties, q̃ iours de paymēt  
ne sont vncore venus, &c.  
Et ne gard sufficient en  
leur mains pur discharger  
ceux debts sur recordes ou  
specialties, que ils sont cō-  
pellabl' pmerit p le ley de  
satisfier, donq̃s ils seront  
cōstrain de payer de leur  
bns demēsi ceux dueries, le  
q̃l al pmes p le ley ils suēt  
cōpelles d payer, accordāt

I. al

# The Exposition of

al value de ceo que ils deliueront ou pay sans compulsion, car tiels paiements de debts, ou deliuey de legacies, come est auantdit, deuant debts paies sur specialties ou records, q̄l iours de paier sont a ore venus, sont account en le ley vn valant des biens del testator, cytaunt come s'ils ad done eux sans cause, ou vend eux & conuert a lour proper vse.

the value of that which they deliuered or pated by compulsion, for such payments of debts, or deliuey of legacies, as is aforesaid, before debts paid by specialties, or records, whose dayes of payment are already come, are accounted in the Law a wasting of the goods of the testator, as much as if they had giuen them away without cause, or sold the & conuerted them to their own vse.

161

*Deuise,*

*Deuise,*

**D**euise est lou vn home en son testament, donc ou graunt ses biens ou ses terres a vn auter apres son decease. Et loutiel deuise est fait des biens, si les executors ne voient deliuer les biens ou auters chartels personnels a le deuisee, le deuisee nad remedie per le common ley. Mes il couient de auer vn Citation vers les executors le testator d'apparer deuant le Ordinarie, de monstre pur quoy il ne persours ma le volunt le Testator, car le diuisee ne poit

**D**euise, is where a man in his testamēt, giueth or bequeatheth his goods or his landes to another after his decease. And where such deuise is made of goods, if the executors will not deliuer the goods or chartels personals to the deuisee, the deuisee hath no remedie by the common law: but he shal haue a Citation against the executors of the testator, to appeare before the ordinarie, to shew why he persormeth not the wil of the testator, for the deuisee may not



not take the legacie and serue himselfe, but it must be deliuered to him by the executors.

But by the commō law if a man be sole seised of lands in his demesne as offee, & deuise the lands by testament, this deuise was void vntlesse the lāds were in Citie or borough where landes be deuisable by custome. But if any mā were entressed to the vse of another & his heires, & he to whose vse he was so seised did make deuise of his lāds, this deuise was good, though it be not in a Towne where landes are deuisable.

Also if any man deuise lands in Citie, towne, or Borough deuisable, and the deuisor dyeth, if his heire or any other abate in the lands, then the deuisee shall haue a Writ of Ex graui querela: But this Writ shall neuer be pleaded before the Kinges Justice, but alwaies before the Mayor or Bailiffs in the same towne.

And here to the end to shew how much p laws of

pendre le legacie & luy mesme seruer, mes il doit estre deliuer a luy per les exccutors.

Mes per le common ley, si home fuit sole seisi de terres en son demesne come de fee, & deuila les terres per son testaint, cest deuise fuit void, si non les terres fueront en vn Citie ou Borough lou terres sont deuisable p custome. Mes si ascun home fuissoit entresse al vse dun auter & ses heirez, & cesty a que vse il fuit issint seisle feloit deuise de sez terres, cest deuise fuit bone, coment que il nō fuit en ville lou terres sont deuisable.

Auxy si ascun home deuise terre en City, ville, ou borough deuisable, & le deuisor deuie, si son heire ou ascun auter abate en les terres, donquez le deuisee aua brief de Ex graui querela: Mes cest briefe ne fera iammes plede deuant le Iustice le Roy, mes routez foitz deuant le Mayor ou Bailifes in le dit ville.

Et ore al fine de monstre quauint les ley de  
I ij cest

# The Exposition of

cest Realme, & lez discreet  
Iudgez de ceo, queux  
font lez interpreterz de le  
ley, ont fauour volentes  
& testamentz, & issint  
deuilez en yeelding al eux  
tiel raisonnable constructi-  
on, come ilz pensant poit  
bien agreer oue lez men-  
tez de lez mortz, conside-  
rantez que volürz & testa-  
mētz sont pur le plus part,  
& per common intende-  
ment fait quant le testa-  
tour est ore en graund  
langor, feeble & passa tout  
speranz de recouerie, car  
il est vn opinion en le paies  
enter le greinder number,  
que si vn home per chance  
soit cy prudent come de  
faire son volunt en son  
bon sanrie, quauat il est  
strong, de bon memorie,  
& ad temps & opportuni-  
tie, & poit demaund coun-  
sell si ascun doute soit de  
le learned, que donques il  
ne doit viuer long apres, &  
pur ceo ils ceo deferre tā  
q̄ tiel tēps q̄nt ceo soit plus  
conuenient de applier eux  
mesmez a le disposition de  
leur alme, q̄ de leur tēz  
& bienz, sinon q̄ il soit q̄ p

this Realme, and the  
wise discrete Judges of  
the same, who are the in-  
terpreters of the Law, doe  
fauour wills & testamētis,  
and so deuile in yeelding  
to them such a reasonable  
constructiō, as they thinke  
might best agree with the  
mundes of the dead, consi-  
dering that wills and Tes-  
taments are for the most  
part, and by common in-  
tendment made when  
the testator is now ber te  
sicke, weake, and passe  
all hope of recouerie, for  
it is a receiued opinion  
in the Countrie among  
most, that if a man should  
chance to bee so wise,  
as to make his will in his  
good health, when hee is  
strong, of good memory, &  
hath time and leasure, and  
might aske counsell if any  
doubt were of the learned,  
that then hee shoulde not  
liue long after, and there-  
fore they deferre it, to such  
time, whē as it were more  
conuenient to apply them-  
selues to the dispositions  
of their soules, then of  
their lands or goods. ex-  
cept it were that by the  
fresh

fresh memorie, and recitall of them at that time, it might bee a cause to put them in minde of some of their goods or Landes falsely gotten, and so moue them to restitution, &c. And at that time the penning of such Willes are commonly committed to the minister of the parish, or to some other more ignorant then hee, who knoweth not what wordes are necessarie to make an estate in fee simple, fee taile, for terme of life, or such like, besides many other mischiefes: I will therefore here set down some of those cases, that are most common in ignorant mens mouthes, and doe carry by the wise interpretations of the Judges, as is aforesaid, a larger and a more fauourable sence in Wils then in deeds.

First therefore if one devise to J. S. by his will all his lands & tenements, here not only all those lands that he hath in possession do passe, but also those that he hath the reversion of by vertue of these wordes tes-

fresh memory, & recitall de eux a cest temps, il doit estre vn cause de mettre eux en ment de aucun de leur biens ou terres fausement purchase & issint moue eux a restitution, &c. Et a cest temps le escripture de tiels voluntz sont communement comit al minister del paroch ou al aucun autre plus ignorant que luy que ne scauoir queux parols sont necessary pour faire vn estate en fee simple, fee taile, pour terme de vie, ou tiels semblables, preter diuers autres mischiefes: Ie voyle par ceo mis cy aucuns de ceux cases queux sont plus common en les bouches de les ignorant homes, & portent par le scauient interpretation de les Iudges, come est auant dit, vn large & plus fauourable sence en Voluntz que en faits.

Et par ceo primerment si vn deuise al J. S. par son volunt, toutes les terres & tenements, icy non seulement tous ceux terres que il ad en possession passent, mes auxy ceux de qui il ad le reversion par vertue de ceux parols te-

## The Exposition of

nements.

Et si terres sont deuisea vn home a auera luy imp-  
petuum ou a auer a luy &  
ses assignes, in ceux deux  
cases le deuisee auera fee-  
simple. Mes si soit done p  
feoffement en tiel maner,  
il nad fortque estare pur  
terme de vie.

Auxy si vn home deuise  
ses terres al auter, pur do-  
ner, vender, ou faire de ceo  
a son volunt & pleasure,  
cest fee simple.

Vn deuise fait al vn & a  
ses heires males fait vn es-  
tate tale: mes si tiels pa-  
rolx sont miz en vn fait de  
feoffement, il serra prise  
fee simple, pur ceo que il  
nappiert de que corpz le z  
heirez males serra ingen-  
dre.

Si terres sont done per  
fait al I.S. & a les heirez  
malez de son corpz &c. q  
ad issuefile, que ad issue  
fites, & morust, la le terre  
reuertera al donour, & le  
fiz del file nauera ceo, pur  
ceo que il ne poit a luy  
mesme conueier p heirez  
malez, car sa mere est  
vn obstacle a ceo; Mez

nements.

And if lands be deuised  
to a mā to haue to him for  
euer, or to haue to him and  
his assignes, in these two  
cases the deuisee shal haue  
a fee simple. But if it be  
giuen by feoffmēt in such  
manuer, he hath but an e-  
state for terme of life.

And if a man deuise his  
lands to another, to giue,  
sell, or do therewith at his  
pleasure or will, this is fee  
simple.

A deuise made to one, &  
to his heires males doth  
make an estate talle: But  
if such wordes be put in a  
deed of feoffment it shal be  
taken a fee simple, because  
it doth not appear of what  
body the heires males shal  
be begotten.

If landes be giuen by  
deed to J. S. and to the  
heires males of his bodye  
&c. who hath issue a daugh-  
ter, who hath issue, a son, &  
dyeth, there the land shal  
returne to the donour, and  
the sonne of the daugh-  
ter shal not haue it, because  
he cannot conuey himselfe  
by heires males, for his  
mother is a let thereto, but  
other-

otherwise it is of such a devise, for there the son of the daughter shall have it rather than he who shall be void.

If one devise to an infant in his mothers belly, it is a good devise, otherwise it is by feoffment, graunt, or gift, for in those cases there ought to be one of ability to take presently or otherwise it is void.

A devise made in fee simple without expresse words of heirs, is good in fee simple.

But if a devise be made to J. M. he shall have the land but for terme of life, for those words will carry no greater estate.

If one will by his son J. M. shall have his land, after the death of his wife, here the wife of J. M. shall have the land first for term of life. So likewise if a man devise his goods to his wife, & that after the decease of his wife, his son and heir shall have the house, where the goods are, then the son shall not have the house during the life of the wife, for it doth appear that his intent was, that his wife

auterment est de tiel devise, car la le fies del file ceo auera plus tost que le volunt serra void.

Si vn devise al enfant en ventre matris suæ, cest bon devise, auterment est pfeoffment, graunt, ou done, car en ceux cases il doit estre vn del habilitie pur prèder maintenant, auterment il est void.

Vn devise fait en fee simple sans expresse parols del heires est bone en fee simple.

Mes si vn devise soit al J. N. il auera les terres fors q; pur term de vie, car ceux parols ne voient porter greinder estate.

Si vn voyle q son fies J. M. auera son terre puis le mort son feme, icy le feme le deuise auia le terre primes pur terme de sa vie. Ilint si home devise ses biens a la feme, & que apres le decease de son feme; son fies & heire auera le meason ou les biens sont, la le fies nauera le meason, durant le vie de la feme, car il appiert que son intent fuit, que la feme

The Exposition of

doit auer le meison auxy  
pur terme de sa vie, nient  
obstant il ne fuit deuise a  
luy per expresse parols.

Si vn deuise soit al I.N.  
& a les heires females de  
son corps engendres, apres  
le deuisee ad issue fites &  
file, & morust, icy le file au-  
uera le terre, & nemy le  
fite, & vncore il est plus  
digne person, & heir al son  
piere, mes pur ceo que vo-  
lunt del mort est, que le file  
doit ceo auer, ley & consci-  
ence voet issint auxy.

Et en cest point les hea-  
then fueront precise, come  
appiert per ceux verses de  
Octavius Augustus q̄ Do-  
natus report il fesoit apres  
q̄ Virgil a son mort donoit  
commandement, que ses li-  
uers soient estre cobure,  
pur ceo que ils fueront im-  
perfect, & vncore ascuns  
persuadont que ils soient  
estre saue, come en fait ils  
happiment fueront, a que  
il respond issint: Sed le-  
gam seruanda fides, supre-  
ma voluntas: Quod man-  
dat, ferique iubet, parere  
necesse est.

should haue the house also  
for terme of her life notwith-  
standing it were not deuised  
to her by expresse words.

If a deuise be to J. N.  
and to the heires females  
of his bodie begotten, af-  
ter the deuisee hath issue a  
sonne and daughter, & dy-  
eth, here the daughter shal  
haue the land, & not h̄ son,  
& yet he is the most worthy  
person, and heir to his fa-  
ther, but because the will of  
the dead is, that h̄ daughter  
should haue it, law & con-  
science will so also.

And hereto the very he-  
athens were precise, as ap-  
peareth by those verses of  
Octavius Augustus, which  
Donatus reporteth hee  
made after that Virgil at  
his death, gaue comman-  
dement that his bookes  
should be burnt, because  
they were imperfect, and yet  
some persuaded that they  
should be saved, as indeed  
they happily were, to whō  
he answered thus: But  
faith and law must needs  
be kept, and what law will  
doth say: And what it doth  
command be done, that  
needs we must obey.

162 Diem clausit extremum.

**D**iem clausit extremum, is a writ, & it lyeth where the king's tenant, that holdeth in chiefe, dieth, this writ shalbe directed to the Escheator, to enquire of what estate he was seised, and who is next heire, and his age, & of the certaintie of the land, and of what value the land is, and of of whome it is holden, and that inquisition shalbe returned into the Chancery, which is commonly called, The office after the death of that person. And there is another writ of Diem clausit extremum, awarded out of the Exchequer, after the death of an accountant or debtor of his Majesty, to leuie the debt of his heire, executor, administrators, lands or goods.

Diem clausit extremum.

**D**iem clausit extremum, est vn brieve, & gist le tenant le Roy, que tient en chiefe morust, donque cest brieve serra direct al escheator denquiere de quel estate il fuit seisie, & que est procheine heire, & de quel age, & de la certaintie del terre, & de quel value le terre est, & de que ceo est tenuus, & cel inquisition serra returne en le Chauncery, & est communement appel, Le office apres le mort del tiel person. Et est auter brie de Diem clausit extremum award hors del Exchequer apres mort del vn accoptant ou debtor al Roy, a leuier le debt de son heire, executor, administrators, terres ou biens.

163 Discent.

**D**iscent, is in 2. sorts, either Lineal or collateral, lineal discent is when a discent is conueied in the same line of whole blood as Grandfather, father,

Discent :

**D**iscent, est en 2. sortes, ou lineal, ou collateral. Lineal discent, est quaut le discent est conuey en mesme le lyne dentyer sangue, come ayle, peere, firs,



# The Exposition of

fits, fits del fits & issint de-  
bassa.

Collateral discent, est  
dehors en vn autre branch  
dehaust dentier sangue  
come le frere del ayle,  
frere del peere, & issint de-  
bassa.

Nota que si vn deuie sei-  
sie en fee, ou en rayle, de t-  
re en quel autre ad droit  
denter, & ceo descend a son  
heire; viel discent tollera  
lentre de cestuy que droyt  
auoit denter, pur ceo que  
le heire ad ceux per le dis-  
cent de son pere, & issint vi-  
ent a les tenements per act  
de ley, & cestuy que droyt  
ad ne puit luy ouster p en-  
tre sur luy, mes est mise de  
suer son brieve a demaund  
le terre solong; le natu de  
son title. Vide de ceo Lit-  
leton lieur 3. cap. 6. & stat  
32. H. 8. cap. 33.

son, sonnes soune, and so  
downeward.

Collateral discent, is out  
in another branch drawne  
from aboue of the whole  
blood, as Graundfathers  
brother, Fathers brother,  
and so downeward.

Note that if one dye sei-  
sed in fee, or in tail of land  
in which another hath  
right to enter, and that dis-  
cendeth to his heire, such  
discent shall take away the  
entrie of him which hath  
right to enter, for that that  
the heire hath them by dis-  
cent from his father, & so  
came vnto those tenements  
by the doing of the lawe, &  
hec that hath right cannot  
put him out by entering  
vpon him, but is put to sue  
his writ to demand h land  
according to the nature of  
the title. See herof in  
Little t lib. 3. c. 6. & stat. 32.  
H. 8. c. 33.

## 164 Disclaimer.

Disclaimer, est lou le  
Seignior distraine son  
tenant, & il sua reple-  
nin, & le Seignior a  
nowale prisel, per reason

## Disclaimer.

Disclaimer, is where the  
Lord distrainteth his  
tenant, and he sueth a re-  
pleuin, & the Lord auow-  
eth the taking, by reason  
that

that hee holdeth of him, if the tenaunt say that he disclaimeth to hold of him, this is called a disclaimer, and if the Lord thereupon bring a Writ of right sur disclaimer, and it be found against the tenant, he shall lose his land. Also if one bringeth a precept against two other for the land, & the tenant disclaimeth and saith, that he is not therof tenaunt, neyther claime any thing therein, then the other shall haue the whole land. But if the Precept be brought against one alone, and he disclaimeth as is aforesaid, the Writ shall abate, and yet the demandant may enter into the land and hold it in his rightful estate, although his entrie was not lawfull.

que il tient de luy, si le tenaunt dit que il disclame de tener de luy, cest appel vn disclaimer, & si le Seignieur sur ceo porte brieve de droit sur disclaimer, & il soit trouue encontre le tenaunt, il perdra le terre. Auxy si vn port vn precepte vers deux autres pur terre, & le tenaunt disclame & dit que il nest de ceo tenaunt, ne claime rien en ceo, donques lautre auera tout le terre. Mes si le precepte soit enuers vn seul, & il disclame, come auant est dit, le brieve abatera, & vncore le demandant poit enter en le terre, & ceo tener en son droitur el estate coment son entrie ne suit loyal.

165 *Discontinuance.*

**D**iscontinuance, is when a man alienateth to another, lands, or tenements and dieth, & another hath right to the same landes, & may not enter into them because of his alienation, as if an Abbot alien the landes of his house to an

*Discontinuance.*

**D**iscontinuance, est quat vn home alien a vn autre terres ou tenementes & morust, & vn autre ad droit a mesme les terres & ne puit enter en eux per cause de cel alication, si come vn Abbot alien les terres de son meason a vn autre

# The Exposition of

auter en fee, ou en fee tail, ou pur terme de vie, ou si vn home alien les terres q il ad en droit sa feme, ou li tenant en taile fait de les terres done a luy & a ses heires de son corps, ascun fessement, done en rail, ou lease pur vie nient garrant per statute 32. H. 8. per fine ou liuery de seisin, donque tiels alienatiōz sont appels discontinuance, car tiels estates passont toutes foitz per liuery & seisin, & en ceux casos le successeur labbe, ne la feme apres le mort son baron, ne lissue en le taile apres le mort le tenaunt en le taile ne ceux in remainder ou reuersion puis le fine del estate taile, ne poient entre mez chescun de eux est mise a son action.

Vide plus de ceo en Littleton lib. 3. cap. 11. & 32. H. 8. cap. 28. que tolle discontinuance p baron seisi en droit son feme.

166 *Dismes.*  
**D**ismes, sont les dîmes parts de asc' chose, mez propreur de ceux choses

other in fee, or fee taile, or for terme of life, or if a mā alien the landes that hee hath in the right of his wife, or if tenaunt in the taile maketh of the landes giue to him & to the heires of his body, any fessement, gift in taile, or lease for life not warranted by the statute 32. H. 8. by fine or liuery of seisin, then such alienations be called Discontinuance, for such estates passe away by liuery and seisin, & in these cases the successor of the Abbot or the woman after the death of her husband, or the issue in the taile after the death of the tenant in taile, nor they that haue any remainder or reuersion after the ende of the estate taile, may not enter, but euery of them is put to his action.

See more hereof in Littleton lib. 3. c. 11. & 32. H. 8. ca. 28. which taketh away discontinuances by the husband, seised in right of his wife.

*Tithes.*  
**T**ithes, are the tenth parts of any thing, being property of those things which

which doe encrease, which  
for the most part do belög  
to ministers of the Church  
for their maintenance, and  
they be in three sorts deui-  
ded, to wit, prediall tithes,  
personal tithes, and mixt  
tithes, Prediall tithes are  
Tithes that bee paid of  
things that come of the  
ground only, as corn, hay,  
fruits of trees & such like.

Personal Tithes are  
Tithes to be paid of such  
profits as come by the la-  
bor and industrie of mans  
person, as by buying, sel-  
ling, gaites of Marchan-  
dize, and of handicraftes  
men, labourers, and such  
as work for hire, as Car-  
penters, Masons, & such  
like.

Mixt tithes are tithes  
of calves, lambs, pigs, and  
such like, & increase partly  
of the ground that they be  
fed upon, and partly of the  
keeping industry and dili-  
gence of the owner.

167 Disparagement.

Disparagement, is a shame,  
disgrace, or villany done  
by the Gardeine in Chi-

que encrease, &ux p le plus  
part pertaignal ministers  
desglise pur leur mainte-  
nance & ils sont deuidez en  
iij. sorts, nosment prediall  
dismes, Parsonel dismes &  
Mixt dismes, Predial dis-  
mes sont dismes, que sont  
paid de choses, queux viene  
de le terre solement, come  
bles, se in, fruitz del arborz  
& tiels semblablez.

Parsonel dismez sont  
dismez q söt paies de tielz  
profitz q veigne p le labor  
& industry del person dü  
home, come per emption  
& vendition, gain de mar-  
chandize & de manuel  
craftes homes, laborerz, &  
tielz que labor pur salary,  
come Carpenterz, Masöz  
& tielz semblablez.

Mixt dismez sont les dis-  
mes de vitelz, agneuz, por-  
celz & tielz sembl, que en-  
crease partint del tre, sur q  
ilz söt depasturez, & part-  
int del garding, endustry,  
& diligence del owner.

Disparagement.

Disparagement est vn höte-  
disgrace, ou villanye  
fair per le gardein en Chi-  
ualrie

## The Exposition of

ualrie a son garde en chivalry, estant deins age per reason de son mariage.

Come quant le gardein marry son ward deinz age de xiiij. ans, & dienz tiel temps que il ne poit consent al mariage, al vn niece, ou al file dun que demurt en vn borough (que est de ste entend tiels que peres professe maincrafts & tiels baser arts de emption & vendicion pur gain leur vuer per ceo) ou al vn que ad forsque vn pee, ou vn maine ou est decrepit ou deforme, ou aiant horrible disease, come le leprosie, les pocks de franks, falling sickness, ou tiels semblables, ou marrie luy a vn feme que est passe l'age de enfanter, & diuers tiels auterz, donque sur le complaint fait per les amies de tiel heire, le Seignior ou gardein perdera le guardianship & les profits durant le nonage de le heire par le hont fait a luy. Vide Litt. lib. 2. c. 4.

168

*Disseisin.*

**D**isseisin, est quant vn home ent en ascun frez

ualrie to his ward in chivalry being within age by reason of his marriage.

**As** when the gardeine doth marrie his Ward within age of xiiij. yeres, & within such time as he can not consent to marriage, to a bondwoman, or to the daughter of one who dwelt in a borough (which is to be understood, such whose fathers profess handcrafts & those baser Arts of buying & selling, to get their living by) or to one that hath but one foot, or one hand, or is lame, or deformed, or hath some horrible disease, as the Leprosie, frenchpocks, falling sickness, or such like, or marrieth him to a woman that is past childbearing, and diuers such other, then upon the complaint made by the friends of such heir, the Lord or gardein shall loose the wardship, and the profits during the nonage of the heir, for the shame done unto him. See Littleton lib. 2. cap. 4.

*Disseisin.*

**D**isseisin is when a man enters into any landes  
or

or tenements where his  
entrie is not lawfull, and  
putteth him out, that hath  
the freehold.

169 Disseisin vpon disseisin.  
Disseisin vpon disseisin, is  
when the disseisor is  
disseised by another.

170 Disseisor and dis-  
seisee.  
Disseisor, is he which put-  
teth a man out of his  
land without order of the  
law. And Disseisee is hee  
that is so put out.

171 Disceit.  
Disceit, is a Writ, and it  
is sometime original, &  
sometime iudicial, but whe-  
re it is originall, it lieth wher  
any disceit is done to a mā  
by another, so that he hath  
not sufficiently perfozmed  
his bargaine, or not per-  
fozmed his promise, the he  
that is in such manner de-  
ceiued shall haue this  
Writ.

Also when this writ is  
iudiciall, it lyeth where a  
Scire facias is sued out of  
any record against a man,  
and the Sheriffe returneth

ou tenements, lou son en-  
trie nest pas congeable, &  
oustia celuy q ad le frankte-  
nement.

*Disseisin sur disseisin.*  
Disseisin sur disseisin, est  
quant le disseiseur est  
disseisie per vn auter.

*Disseisor & disseisee.*  
Disseisor est celuy q mist  
ascun hom hors de son  
terre sans order de ley. Et  
disseisee est celuy q est illint  
mis hors.

*Disceit.*  
Disceit est vn brief, & est  
ascun foits original, &  
ascun foits iudiciall, mes  
quant il est original, gist lou  
ascun disceit est fait a ascun  
home p vn aut, ilint que il  
nad sufficientment pform  
son bargaine, ou nient per-  
forme son pmise, donq ce-  
luy q est en tiel man dis-  
ceiue auera cest bre.

Auxy quant cest briefe  
est iudiciall, il gist ou Sci-  
re facias est sue hors de  
ascun recorde vers vn,  
& le Vicount retourne  
que

que il est garnie, ou il ne fut garnie, ou l'ou vi Precipe quod reddat de plee de terre, ou Quare impedit del presentment al esglise est sue vers vi, & le vicont retourne que le defendant est summo, per quel disceit & faux retourne le demandant ou plaintife recouer, donques le partie greue auera cest brief vers celuy que reconuera, & vers les summoners, & vers le vicont, & donques le briefe sera direct al Coroners de mesme le Countie, si il continue vicont que fist le retourne.

¶ *Distresse.*

Distresse, est le chose que

est prise & distraine, sur aucun terre pur rent arreue, ou pur auter dotie, ou pur tort fait, coment q le proprietie de chose soit pers reigning al estrange. Mes si sont auers qui perteigne al estrange, il couient que ils sont leuant & couchant sur mesme le terre, cest adire, que les auers auoient

that hee is warned where hee was not warned, or where a Precipe quod reddat of a plee of lands, or a Quare impedit of the presentment to a church is sued against one, & the Sherife returneth that the defendant is summoned, where he was not summoned, by which disceit and false returne the demandant or plaintife reconereth, then the partie grieved shall haue his writ against him that recovered, & against the summoners, & against the Sherife, and then the writ shall be directed to the Coroners of the same Countie, if hee continue the rife that made the returne.

¶ *Distresse.*

Distresse, is the thing which is taken and distrained upon any lād. for rent behind, or other duty, or for hurt done, although that the proprietie of the thing belongeth to a stranger: But if they be beasts that belong to a stranger, it belongeth that they were leuant and couchant upon the same ground, that is to say, that the beasts haue bene



been vpon the ground certain space, that they haue theſelues wel reſſed there, or els they be not diſtrainable for rent or ſeruice.

And if one diſtraines for rent or other thing with our cauſe lawfull, then the partie grieved ſhall haue a Repleuin, & vpon ſuertie bound to purſue his actiō, ſhall haue the diſtreſſe to him deliuered again. But there bee diuers thinges which be not diſtrainable, viz. another mans gowne in the houſe of a Tailor or cloth in the houſe of a Fuller, Sheareman, or Weauer, for that they be common Artificers, & that the common preſumption is, that ſuch things belong not to the Artificer, but to other perſons which put them there to be wrought.

Also bitail is not diſtrainable, nor coine in ſheues, but if they be in a cart, for that, that a diſtreſſe ought to be aſſay of ſuch things wherof ſtrife may make repleuin, & deliuer againe in as good caſe as it was at the time of the taking.

eſte ſur le terre p certaine ſpace que ils ont eux bien reſoſe ſur la terre, ou autrement ils ne ſont diſtreinable pur rent ou ſeruice.

Et ſi vn diſtreine pur rēt ou auter choſe ſans cauſe loyal, donques le partie greeue auera vn Repleuin, & ſur ſuertie troue de purſuer ſon action, auera le diſtreſſe a luy redeliuer. Mes ſont diuers choſes que ne ſont diſtreinable, viz. roab de auter home en le meason de vn Tailor, ou drape en le meason de vn Fuller, Sheereman, ou Weauer, pur ceo que ils ſont commun artificers, & q̄ le cōmon preſumption eſt, que tiels choſes ne ſont perreignant al Artificer, mes al auters perſons que eux mittont la a ouer.

Auxy viand n'eſt pas diſtreinable, ne blees en ſheues, ſinon q̄ ils ſont en vn chariot, pur ceo que diſtres couient eſte tous ſois de tiel choſe dōt le vicōt poit faire repleuin, & redeliuerie en auxy bon caſe que il ſuit al temps del priſel.

## The Exposition of

Auxy home poit distrain pur homage de son tenant pur fealtie, & escuage, & auſ services, & pur fines & amerciamentes q̄ sont asselle en vn Leete, mes nemy en vn Court baron, Et auxy pur damage fesant, cest a dire, quant il troue les beasts ou biens des auters fesant tort ou incumbrant son terre. Mes home ne poit distrain pur aucun rēt ou chose due pur aucun terre, mes sur mesme le terre q̄ est charge ouesque ceo; Mes en case lou ieo veigne a distreiner, & lauer veyant mon purpose chase les beasts, ou port le chose dehors, al entent que ieo ne prendra ceo pur distres sur le terre, donques ieo poy bien pursue, & si ieo prise ceo maintenant en le hault chemin, ou en auter soyle, le prisel est loyal, auxy bien la, come sur la terre charge, a quecunque la proprietie des biens sont.

Auxy pur fines & amerciamentes q̄ sont asselle en vn Leete, vn poit toute fois prendre les biens celuy que

A man may distrain for homage & fealty, and escuage, & other seruices, & for fines & amerciamentes which bee asselled in a Leete, but not in a Court baron. And also for damage fesant, that is to say, when he findeth the beasts or goods of any other doing hurt or cumbering his ground; But a man may not distraine for any rent or thing due for any land, but vpon the same lande that is charged therewith: But in case where I come to distreine, and the other seeing my purpose chaseth the beasts, or beareth the thing out, to the intēt that I shal not take it for a distresse vpon the grounds, then I may well pursue, & if I take it presently in the high way, or in another's ground, the taking is lawfull, as well there as vpon the lād charged, to whomsoever the property of the goods be.

Also for fines & amerciamentes which bee asselled in a Leete, one may alway take the goods of him that

is so amerced, in whose ground soeuer they bee within the iurisdiction of the Court, as it is said.

And when one hath taken a distresse, it behoueth him to bring it to the common pound, or els he may keep it in an open place, so that hee giue notice to the partie, that he (if he distresse be a quick beast) may giue to it foode, and then if the beast die for default of food, hee that was distrained shall be at the losse, and then the other might distrayne againe for the same rent or duetie. But if hee carry the distresse to a hold, or out of the Countie, that the Sherif may not make deliuerance vpon the Repleuin, then the party vpon the returne of the Sherife, shall haue a Writ of Withernam directed to the Sherife, that hee take as many of his beastes, or as much goods of the other in his keeping, till he hath made deliuerance of the first distress. And also if they be in a forrester or Castell, the Sherife may take with him the power of the

est et fine amerce, en quelque seule que ils sont deins le iurisdiction del court, vt dicitur.

Et quant vn ad prise vn distresse, il couient a luy de amesner ceo al common pound, ou auterment il doit garder en ouert lieu, assint que il done notice al partie, que il (si le distresse soyt viue auers) poyt donner a luy viand, & donques si le auers morust pur default de viand, ce luy que fu t distrayne serra a le parde, & donques l'auter poyt distrayne auter foys pur mesme le rent ou duetie. Mes si l'amesne le distresse a vn forrester, ou hors del Countie, q le vicont ne poyt bien faire deliuerance sur repleuin, dō q le partie sur le retourne del Vicont auera vn brieve de Withernam direct al Vicont, que il prendra tant de ses auers, ou tant des biens l'auter en son garde, tanqil ad fait deliuerance de le primer distress. Auxy si sont en vn forrester ou Castell, le Vicont poyt prendre oue luy le power del

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Coun-

# The Exposition of

Contie, & abater le castel.  
Come appiert per lestatute  
West. 1. cap. 17. Ideo vide  
Statutum.

173 *Diuorce.*

**D**iuorce il sint appel de  
Diuortium, veniens del  
verbe Diuerto, que signifie  
de retorner arere, cest est  
vse en ley quauant vn home  
est seporate de sa femme, il  
luy retornt arere a sa pere,  
ou a ses amies, ou al lieu  
del que il luy ad, & per tiel  
diuorce le mariage est de-  
fate & destroy.

174 *Donor & Donee.*

**D**onor est celuy q done  
terres ou tenements al  
auter en taile, & celuy a  
que il est done est appell  
Donee.

175 *Double plee.*

**D**ouble plee, est lou le  
defendaunt outenaunt  
en aucun action pleade vn  
plee en que deux matters  
sont comprehendus, &  
chescun per luy mesme est  
vn sufficient barre ou res-  
pons al action, donques  
tiel double plee ne sera  
admit pur plee, sinon q vn

County, & beat downe the  
castel. As it appeareth by  
the Statut. West. 1. cap. 17.  
therefore looke the Stat.

*Diuorce.*

**D**iuorce, so called of Di-  
uortium, comming of  
the verbe Diuerto, whiche  
signifieth to returne back,  
it is vsed in the law when  
a mā is diuorced from his  
wife, he turneth her backe  
home to her father or o-  
ther friends, or to s place  
from whence he had her, &  
by such diuorce the marri-  
age is defeated & vndone.

*Donor and Donee.*

**D**onor, is hee which gi-  
ueth lands & tenements  
to another in taile, and hee  
to whom the same is giue  
is called Donee.

*Double plee.*

**D**ouble plee is wher the  
defendant or tenant in  
any action pleadeth a ple, in  
the which two matters bee  
comprehended, & every one  
by himselfe is a sufficient  
barre or answer to the  
action, then such a double  
plee shall not bee admit-  
ted for a plee, except one  
depend

depend upon another, & in such case if hee may not haue the last plee without the first plee, then such a double plee shalbe wel suffered.

depend sur l'autre, & en tel case si il ne poyt auer le darreyne plee sans le primer plee, donques tiel double plee serra bien suffer.

176 Dower.

**D**ower by the law of the Realme, is a portion, which a widow hath of the lāds of her husband, which by the common law is the third part, and by her husbands assignement by his fathers assent at h Church doze, she may haue somuch of his fathers lands, as is so assigned, & so of the husbands assignement of part of his own land. And dower by the custom of some places, is to haue halfe the husbands lands. And also Dower is a writ, and it lieth where a man is sole seised during the couerture between him and his wife, of lāds or tenements in fee simple, or fee tayle, where by possibilitie the issue betweene them may inherite, if such a man die, his wife shall recouer the

Dower.

**D**ower, per le ley del Realme, est portion q̄l feme ad del terres le baron, quel per common ley, est le tierce part, & per assignement del baron, p assent son pere al huis del esglise, & poit auer tant del terre son pere come est issint assigne, & issint del assignement del baron del part son terre demesne. Et Dower per custome de aucun lieux est d'auer le moitie del terre le baron. Et auxy Dower est vn briefe, & gist lou home est sole seisie durant le couerture perenter luy & la feme, de terres ou tenementes en fee simple, ou fee taile, lou per possibilitie le issue enter eux poyent inherite, si tiel home deuie, la feme recouera la

K iij, tierce

rierc part de tous les terres dont le baron fut sole seise a aucun temps durant le couerture per brieve de Dower vnde nihil habet, mesque il ne morust seise & mesque il ad fait alienation de ceo en la vie.

Mes si home deuant le Statute de Vses 27. H. 8. ad terres, en queux au hom, ou autres homes fueront seises a son cept tous soit durant le couerture, & cestuy a que cept ils fueront seises deue deuant le dit Statute, la feme ne serroit endow.

Et auxy si deuant le dit Statute, deux homes sont seises de terre a cept de vn de eux, & cestuy a q cept &c. deuy deuant le dit Statute, la feme ne serra indow. Auxy si feme port brie de Dower, el recoit damages, pur le profit incurrus aps le mort le baron sil morust de ceo seise. Mes si aucun alienation ou estate soit fait durant le couerture, issint que le baron ne morust seise, donques mesque el recoit

third part of all the lands wherof the husband was sole seised any time during the couerture by a writ of Dower vnde nihil habet, though hee died not seised, and though that hee made alienation thereof in his life.

But if a man before the Statute of Vses 27. Hen 8; had lands, in the which another man, or other men were seised to his use at wages during the couerture, and hee to whose use they were seised dyeth before the said Statute, his wife shall not be endowed.

And also if before the said Statute two men be seised of lands to the use of one of them, & hee to whose use &c. dyeth before the said Statute, his wife shall not be endowed. Also if a woman bying a Writ of dower, she shall recover damages, for the profit run after the death of her husband, if hee dyeth thereof seised, but if any alienation or estate were made during the couerture, so that the husband dyed not seised, then though shee shall recover the

the land, yet shee shall re-  
couer no damages. Also  
there is another Witt of  
Dower, called a Witt of  
Right of dower, and it li-  
eth where a woman hath  
recovered part of her dower  
in one towne, and the o-  
ther part she is to recouer.  
Also in diuers cases a wo-  
man shall not haue dower,  
as if the husband commit  
treason, for the which hee  
is attainted, then his wife  
shall haue no dower. Also  
if shee goe away from her  
husband with another mā  
in aduourtry, and if she bee  
not reconciled by her hus-  
band of his own wil with-  
out cohercion of h church,  
shee shall not be indowed.  
See Littleton lib. 1. ca. 4.  
And so note, where in the  
Ciull law, Dower is that  
which the husband hath  
with his wife for the ma-  
riage, to maintaine the  
married estat, by the laws  
of the realme, by the word  
(Dower) is meant such  
porcion as the wife after  
her husbands death shall  
haue to liue on.

la terre vncore el ne reco-  
uera damages. Auxy il  
est vn autre bñ de Dower,  
appel brieve de droit de  
dower, & gist lou feme ad  
recouer parte de sa dower  
en mesme la ville, & autre  
parte el est a recouer. Auxy  
en diuers cales feme n'au-  
ra dower, sicome le baron  
fait treason, pur que il est  
attaint, donq; la feme na-  
uera Dower. Auxy si el  
elopa de son baron oues-  
que vn autre home in ad-  
uowtry, & si el ne soit re-  
concile per son baron de  
son bone volunt sans co-  
hercion del Eglise, el ne  
terra endow. Vide Lit-  
leton lib. 3. c. 4. Et issint  
nota que lou per Ciull ley  
Dower est ceo, que le ba-  
ron eyt oue sa feme pur le  
mariage, de maintenir  
lour inyned estate, per les  
leyes del Realme, per lo  
parol (Dower) est in-  
tende, le porcion, que le  
feme, puis le mort del  
baron, auera pur sa vi-  
uer.



177 *Droit.*

**D**roit est lou vn ad chose que fuit tol de aurer per torte, come per disseisin, discontinuance, ou eiection, ou tiels semblables, & le chalenge ou claime q il ad que auoir le chose, est terme droit.

178 *Droit d'entre.*

**D**roit d'entre, est quant vn seysie de terre en fee, est de ceo disseisi: Ore le disseisee ad droit d'entre en le terre, & poet quāt il voyle, ou il poet auer brieft de droit enuers le disseisor.

179 *Dum non fuit compos mentis.*

**D**um non fuit compos mentis, est vn brieft & gift lou home que est hors de son bone memory, cest adire, insane ou lunatic; alien les terres que il ad in fee simple, & deuie, donq̄s son heire apres son decease auera cest brieft, mes il mesme nauera cest brieft, p̄ ceo, q̄ home, ne serra receu a disabler luy mesme: Auxy cest brieft puit estre fait en le, per, cui, & post.

*Right.*

**R**ight, is where one hath a thing that was taken from another wrongfully as by disseisin, discontinuance, or putting out, or such like, & the challenge or claim that he hath, who should haue the thing, is called Right.

*Right of Entry.*

**R**ight of Entry, is when one seised of land in fee, is thereof disseised: Now the disseisee hath right to enter into the land, & may so doe when he will, or els hee may haue a Writ of right against the disseisor.

*Dum non fuit compos mentis.*

**D**um non fuit compos mentis, is writ & it leeth whē a mā that is out of his wits, that is to say, mad or lunaticke alieneth the land that he hath in fee simple and death, then his heire after his decease shal haue this writ, for p̄ that a man shall not be receiued to disabie himselfe. Also this writ may bee made in the per, cui, and post.

80 *Dum fuit infra  
atatem.*

**D**Um fuit infra atatem, is a Wyte, and it lyeth where an Infauent within age alieneth his Lande which he hath in fee simple, or for term of life, whē he commeth to his ful age he shal haue this writ, or he may enter if he wil, but it behooueth that he be of ful age the day of his writ brought. Also if an infante alien his land & die, his issue at his ful age shal haue this writ or he may enter, but the issue shall not haue this writ within his age.

181 *Dures.*

**D**Vres, is where one is kept in prisō or restrained from his liberty contrary to the order of the law, or threatened or manasseth to be killed, manasseth or greatly beaten, & if such person so in prisō, or in feare of such threatening, make any specialty or obligation, by reason of such imprisonment, such a deed is boide in the law, & in an action brought by ou such an especialtie he may say ē it was made by

*Dum fuit infra  
atatem.*

**D**Um fuit infra atatem, est vn brieve & gift lou enfant deins age alien sa terre que il ad in fee simple, ou pur terme de vie, quant il vient a son pleine age il aueta cest brieve, ou il puit entre sil voile: mes il couient q il soit de pleine age, iour de son brieve purchase. Auxy si enfant alien sa terre, & deuie, son issue a son pleine age auera cest brieve ou puit enter, mes le issue nauera cest brieve deins son age.

*Dures.*

**D**Vres, est lou vn home est garde in prison ou restraine de son libertie contrary al order de ley, ou manasse destte occide maiheme ou grandement batu, & si tiel person issint in prison ou pauour pur tiel manasse, fait ascun especialtie ou obligation, per reason del tiel imprisonment, tiel fait est void en le ley, & in action porte sur tiel especialtie puit dire que il fait fait per dures

dures de son imprisonmēt,  
mes si home soit arrest sur  
ascun action al suite vn au-  
tēr, mesque le cause del a-  
ction ne soit bone ne voir,  
sil fait ascun obligation a  
vn estrange esteant in pri-  
son per tiel arrest, vncore  
il ne serra dit per dures,  
mes sil fait obligation a luy  
a que suit il fait arrest de-  
ste discharge de tiel impris-  
onment, donques il serra  
dit dures, vt dicitur.

dures of imprisonment,  
but if a mā be arrested by  
on an action at the suite of  
another, though the cause  
of the action bee not good  
nor true, if he make an ob-  
ligation to a stranger be-  
ing in prison by such ar-  
rest, yet it shall not be said  
by dures, but if he make  
an obligation to him, at  
whose suit he was arrested  
to bee discharged of such  
imprisonment, then it shall  
be said dures, as it is said.

E.

E.

182 *Electione firme.*  
Electione firme, vide de  
ceo en le title, Quare  
eiecit infra terminum.

*Electione firme.*  
Electione firme, look for  
that in the title Quare  
eiecit infra terminum.

183 *Eiection de garde.*  
Eiection de garde, vi-  
de de ceo en le title  
Gardes.

*Eiection de garde.*  
Eiection de garde, look  
for that in the title of  
Gardes.

184 *Eire Iustices.*  
Eire Iustices, ou Itine-  
rant, come nous appelle  
eux fueront Iustices que  
vse de equitare de lieu al  
lieu per tout le Realme pur  
administer Iustice.

*Eire Iustices.*  
Eire Iustices, or Itine-  
rant, as we call them,  
were Iustices that vse to  
ride from place to place  
through out the realme to  
administer Iustice.

185 *Elegit.*  
Tener per Elegit, est  
lou home ad reco-

*Elegit.*  
To holde by Elegit, is  
where a mā hath reco-  
uered

ent, erred debt or damage by a  
 d bp, Wit against another by  
 te of confessed or in other man-  
 ause, er, hee shall haue within  
 good the yere against him a  
 ob= Wit iudicial called Ele-  
 be= git to haue executiō of the  
 ar= halfe of all his lands and  
 aid chattels (except Oxen and  
 the beasts of the plough, till h  
 ac debt & damages bee wholy  
 ed leuied, & payed to him, and  
 ch during the terme hee is te-  
 al nant by Elegit. And note  
 well that if hee be put out  
 within the terme, hee shall  
 haue Assise of Nouel dis-  
 seisin, and after a redissei-  
 sn if he be hee, and this is  
 giuen by the Statute of  
 Westminster 2. ca. 18.

uer debt ou damage p bē  
 deuers vn auter per Conus-  
 sance ou en auf maner, il a-  
 uera deins le an deūs luy  
 vn bē iudicial noīme Ele-  
 git daū execution de moy-  
 tie de tous les fies & chat-  
 tels (except Beofs & auers  
 a sa carues) tanque le debt  
 ou les damages soyent  
 oustrement leues ou paies  
 a luy, & durant cest terme  
 il est tenaunt per Elegit. Et  
 nota sil soyt ouste deins le  
 terme il auera Assise de  
 Nouel disseisin, & apres  
 vn redisseisin si besoigne  
 soyt, & cest done per le  
 estatute de Westminster 2.  
 cap. 18.

And also by the equity  
 of the same Statute he that  
 hath his estate if he be put  
 out shall haue Assise & re-  
 disseisin if need be. And al-  
 so if he make his executors  
 and die, and his executors  
 enter and after be put out,  
 they shall haue by the equi-  
 tie of the same Statute, such  
 action as he himself before  
 said. But if he be put out,  
 and after make his execu-  
 tors and die, his executors

Et auxy per le equitie de  
 mesme lestatute celuy que  
 ad son estate, sil soyt ouste  
 auera Assise & redisseisin  
 si besoigne soyt. Et au-  
 xy sil face ses executours  
 & deuie, & ses executours  
 entrent & puis soyent ou-  
 stes, ils aueront per le-  
 quitie de mesme lestatute  
 tiel action come luy mes-  
 me suisdit. Mes sil soyt  
 oust, & puis fait ses execu-  
 tors & deuuy, les executors  
 pur-

# The Expofition of

purront enter & fils soy-  
ent estops de leur entre  
ils aueront vn brieſe de  
treſpas ſur leur matter &  
caſe.

Et nota ſil face waſt en  
tout la terre ou en parcel,  
l'auter auera enuers luy  
maintenant vn brieſe iu-  
diciall hors de la primer  
record appell Venire fa-  
cias ad computandum, per  
force de quel ſerra inqueſe  
ſil ad leuy tous les deniers  
ou parcell, & ſil nad leuy  
les deniers, donques ſerra  
inqueſe a quaut le waſte  
amount, & ſi le waſte  
amount ſinon a parcell dō-  
ques tants des deniers que  
le waſte amount ſerra a-  
bridge de les ſuiſdits de-  
niers queux fueront eſtre  
leuies. Mes ſil ad fait  
plus waſte que le auant  
dit ſomme de argent que  
ſuit a eſtre leuy amount,  
l'aut ſerra diſcharge mayn-  
tenant de tous les deni-  
ers ſuiſdits & recouera ſa  
terre. Et pur la ſuper-  
fluitie de waſte ſayt ou-  
ſtre ces que amount a le  
dit ſomme, il recouera ſes

may enter, and if they bee  
ſtopped of their entry, they  
ſhall haue a Writ of treſ-  
paſſe vpon their matter &  
caſe.

And note well if he doe  
waſt in al the land or par-  
cel, the other ſhall haue a  
gainſt him immediatly a  
writ iudiciall out of þ firſt  
record called Venire facias  
ad Computandū, by which  
it ſhall bee inquired if hee  
haue leuied all the money  
or parcell, and if he haue  
not leuied the money, then  
it ſhall bee inquired to  
how much the waſte a-  
mounteth, and if the waſt  
amount but to parcell, then  
as much of the money as  
the waſt amounteth vnto,  
ſhalbe abſoged of þ ſopo-  
ſaid money which was to  
be leuied. But if hee haue  
done more waſt then the  
ſopreſaid ſumme of money  
which was to be leuied, a-  
mounteth, the other ſhalbe  
diſcharged by and by of  
all the ſaid money, and ſhal  
reconer the land. And  
ſo the ſuperfluitie of the  
waſt made aboue that,  
that amounteth to the ſaid  
ſumme he ſhal retouer his

Dam:

damages single, and the same law is of his executors, and also of him that hath his estate.

And note that if hee alien in fee, for terme of life, or in taile all or parcell of the land, which he holdeth by Elegit, if the alienation be made, within the terme or after, hee which hath right, shall haue against him an Assise of Nouel disseisin, And they both must be put in the assise, the alienor and the alienee, & notwithstanding that the alienor die presently, yet hee which hath right, shall haue Assise against the alienee alone, as if the alienee had bin a plaine tenant for term of years, and that is by the equitie of the Statute of West 2. ca. 25. for that that hee hath not but a chattell in effect, and the same lawe is of his executors and of him which hath his estate as aforesaid.

And note well þ in Elegit if the Shirife returne þ hee had nothing the day of the Recognisance made but that he purchased lands

damages single, & mesme le ley est de les executors & auxy de cestuy que ad son estare.

Et nota sil alien en fee, ou a terme de vie, ou en taile tout le terre ou parcel de la terre, que il tient per Elegit, si le alienation soit fait deins le terme ou apres, cestuy que ad droit auera vers luy vn Assise de Nouel disseisin. Et couient que ils soient mise en l'assise ambideux, auxibien le alienee come le alienor, & non obstant que l'alienor ne deue maintenant, vn core cestuy que ad droit auera vers le alienee sole Assise, come sil vlt estre son simple tenant a terme de ans. Et ceo est per le equitie del statute de West. 2. cap. 25. pur ceo que il nad sinon chattel en effect: & mesme le ley est de les executors, & de cestuy que ad son estare, come est susdit.

Et nota que en Elegit si le Vicount returne que il auoyt ryens iour de la Recognisance faites mes que il purchase terre puis

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puis le temps, adonques le partie plaintife auera nouel brieſe de auer execution de ceo: meſme le ley eſt de vn eſtatute marchand.

Et nota que apres le Fieri facias vn home poyt auer le Elegit, mes non contra, entaunt que le Elegit eſt de pluis haut nature que le Fieri facias. Et nota que ſi home recouer per brieſe de det & lue vn Fieri facias, & le vicount returne que le defendaunt nad ryens dont il poit faire gree a la partie, donques le plaintife auera vn Elegit, ou vn Capias ſicut alias, & Pluries. Et ſi vicount returne a le Capias, mitto vobis corpus, & il nad ryens dount il poyt faire gree al partie, il ſerra maund al gayle del Fleet, & il lonques demurra tanq il ad fait gree al partie, & ſi le vicount returne, Non eſt inuentus, adonques iſ ſera Lexigent enuers luy. Et nota que en brieſe de debt port deuers perſon de Saint Eſgliſe, que nad

after the time the the parte plaintife ſhall haue a new writ to haue executio thereof: the ſame law is of a ſtute marchand

And note wel that after a Fieri facias a man may haue the Elegit but not contrariwiſe, for that the Elegit is of more higher nature then the Fieri facias. And note wel if a mā recouer by a Writ of debt & ſuch a Fieri facias, & the ſheriffe returne that the defendāt hath nothing wher of he may ſatiffie the debt to the parte, then the plaintife ſhal haue Elegit, or capias ſicut alias, and a Pluries. And if the ſheriffe returne to the Capias, mitto vobis corp<sup>s</sup>, & hee haue nothing wher of he may make ſatiffaction to the parte, he ſhal be ſent to the priſon of the fleet, and there ſhall abide vntill he haue made agreement with the parte, and if the ſheriffe return, Non eſt inuentus, then there ſhal go forth an Exigent againſt him. And note well if in a writ of debt brought againſt a Parſon of holy Church which hath nothing



thing of lay fee, and the Sherife returneth that he hath nought by which hee may bee summoned; then shall the plaintife sue a Writ to the Bishop that hee make his Clerke to come, and he Bishop shall make him to come by sequestration of the church.

And note well, that if a man bring a writ of debt and recover, and make his executors & dieth, they shall not have execution, notwithstanding that it be within the yeare by a Fieri facias.

rien de lay fee, & le Vicont retourne que il nad riens per que il poit estre sumone, adonques le plaintife suera briete al Euesque que il face venir son clerk, & Leuesque luy seira venir per sequestration del Elglise.

Et nota bene, q̄ si home port briete de det & recouer, & face ses executors & denie, ils naueront execution, non obstant que il soit deins lan per vn Fieri facias.

186 *Elopement.*

Elopement, is when a married woman departeth from her husband with an adulterer, & dwelleth with the adulterer without voluntary reconciliation to her husband, by that shee shall loose her Dower by the statute of West. 2. cap 34. Whereupon a verse hath beene made in this manner.

She that her husband leaues, & liueth in adultery, and is not freely reconciled, shall loose her Dower.

*Elopement.*

Elopement, est quauue feme espouse departa de son baron oue vn adulterer, & oue le adulterer demurra sans voluntary reconciliation a sa baron, p̄ ceo el perdra sa Dower per le statute de Westminster 2. Cap. 34. Sur que vn versle ad estre fait en cel maner.

Sponte virum mulier fugiens, & adultera facta,  
Dote sua careat, nisi sponte sponso retracta.

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187 *Embrasour ou Embraccour.*

**E**Mbrasour ou Embraccour, est celuy que quant vn matter est en trial perenter partie & partie vient al barre oue vn del parties (ayant receiue zsc<sup>e</sup> reward pur s<sup>i</sup>nt faire) & parle en le case, ou priuemēt labor le Iurie, ou stat la pur surueier ou suruiew eux, per cest means de mītt<sup>r</sup> eux en pauour & doubte del matter. Mes homes q̄ sont erudite en ley, poyent parle en le cas pur leur clients.

188 *Encroachment.*

**E**ncroachment, est dit quant le Seignior ad happa seisin de plus rent ou seruices de son tenant que de droit est due ou doit este pay ou fait a luy: Come s<sup>i</sup> le tenant tient sa terre de son Seignior per fealtie & ij. s. rent annuēl<sup>l</sup> mēt, & ore de tardif temps le Seignior ad happa seisin de ij. s. rent, ou de homage ou escuage, ou tiels semblables: Donques cest apel vn Encroachment de cest rent ou seruice.

*Embrasour or Embraccour.*

**E**Mbrasour or Embraccour, is he that when a matter is in trial between party & party, cometh to the barre with one of the parties (having receiued some reward so to do) and speaketh in the case, or priuily labourerh the Iurie, or standeth there to suruey or ouerlook them, thereby to put them in feare and doubt of the matter. But men that are learned in the law, may speak in the case for their Clients.

*Encroachment.*

**E**ncroachment, is said when the Lord hath gotten seisin or more rent or seruices of his tenant then of right is due, or ought to be paid or done vnto him: As if the tenant hold his land of the Lord by fealty and ij. s. rent yearly, and now of late time he hath got seisin of ij. s. rent, or of homage or escuage, or such like: Then this is called an Encroachment of that rent or seruice.

189 En.

189 Enheritance.

**E**nheritance, is such estate in landes or tenements, or other things, as may bee inherited by the heire, whether it bee in estate for fee simple, or tail, by descent from any of his ancestors, or by his own purchase.

And inheritance is divided into two sorts: that is to say, inheritance corporate, and inheritance incorporeate.

**E**nheritance corporate are messuages, lands, meadows, pastures, rents, & such like, that haue substance in themselves, and may continue alwayes: & these are called corporate things.

**E**nheritance incorporeate are aduowsons, villaines, waies, commons, courtes, fishings, and such like, that are, or may be appendant, or appurtenant to inheritances incorporeate.

190

Entre.

**E**nire, is where a man entereth into any landes or tenements in his proper person, or any other by his commandement.

Enheritance.

**E**nheritance est tiel estate enterres ou tenements, ou autres choses, que poyent estre enherit par le heire, soit ceo de estate en fee simple, ou tail, per descent de aucun de ses ancestors, ou per son purchase demelne.

Et enheritance est diuide en deux sorts: cest a sauoir, enheritance corporate, & enheritance incorporeate.

**E**nheritance corporate sont messuages, fies, prees, pastures, &c, & tiels semblables, q ont substance en eux mesmes, & poyent continuer tout tēps: Et ceux sont appel cholez corporal.

**E**nheritance incorporeate sont aduowsons, villaines, waies, commons, courtes, piscaries, & tiels semblables que sont, ou poient estre appendant ou appurtenant a enheritance incorporeate.

Entre.

**E**nire, est lou vn home entra en aucun terres ou tenements en son proper person, ou alicun autre per son commandement.

L

Auxy

Auxy sont diuers briefes de Entre queux sont en diuers maners. Vn est bñe d'entre sur disseisin, & cest bñe gist lou home est disseisie, il ou son heire l'auant dit briefe auera vers m le disseisor, ou ascun autre apres tenant del terre. Et si le disseisor alien ou deuie seisie, donques le briefe de entre serra vers le heire ouesque le alienee en le Per, cest a dire, en que le tenant non habet ingressum nisi per tiel nosmant le disseisor, que luy auoit disseisie &c.

Et si le heire ou alienee deuie seisie, ou aliena al aut donques le brief serra en le Per & Cui, cest a dire, en q le tenant non habet ingressum nisi per tiel, nosmant le heire ou le alienee del disseisor, cui tiel (nosmant le disseisor) il demisit, que luy per tort disseisie &c.

Et si terre soit conuey ouster al plusors, ou si le primer disseisor soyt disseisie donqs le bñe de entre serra en le post, cest a dire,

Also there bee diuers Writs of Entre which be in diuers maners. One is a Writ of Entre sur disseisin, and this Writ lieth where a man is disseised, he or his heire shall haue this writ against the disseisor, or any other after tenant of the land. And if the disseisor alien and be seised, then the Writ of Entre shall be against the heire with the alienee in the Per, that is to say, in which the tennant hath no entre but by such a one, naming the disseisor, which him hath disseised.

And if the heire or alienee be seised, or alieneth to another, then the writ shall be in the Per and Cui, that is to say, into which the tennant hath no entre but by such a one, naming the heire or alienee of the disseisor, to whom such a one (naming the disseisor) did let it, which by force disseised him &c.

And if land be conueyed ouer to many, or if the first disseisor bee disseised, then the Writ of Entre shall be in the Post, that is to say, that

that the tenant hath no  
entrie but after the dissei-  
sin, which the first disseisor  
made to the demandant or  
his auncestors. See after  
Entre en le per.

que le tenât non habet in-  
gressum nisi post disseisinâ,  
quel le primer disseisor fait  
al demandaunt ou son an-  
cestor. Vide apres Entre  
en le per.

191 Entre in the Per,  
Cui, & Post.

Entre en le Per, Cui,  
& Post.

**A** Writ of Entre in the  
Per, lieth where a man  
is disseised of his freehold  
and the Disseisor alle-  
neth or dieth seised, & his  
heire entreth, then the dis-  
seisee or his heire shall haue  
the said writ against the  
heire of the disseisor, or a-  
gainst the alienee of the  
disseisor, but liuing the dis-  
seisor. hee may haue an As-  
sise if he wil, & the Writ of  
Entre shall say, in quod A.  
non habet ingressum nisi  
per B. qui illud ei demisit,  
qui inde eum iniuste dissei-  
sivit, &c. But if the dissei-  
sor aliē, & the alienee dieth  
seised, or alieneth ouer to  
another, or if the disseisor  
die, & his heire enter, and  
that heire alieneth or dy-  
eth, and his heire entreth,  
then the disseisee or his  
heire shall haue a writ of  
Entre sur disseisin in the

**B**riefe de Entre en le Per  
gist lou home est disseise  
de son franketenement, &  
le Disseisor alien ou deuie  
seisie, & son heire entra,  
donques le disseisee ou son  
heire auera le dit briefe  
vers le heire le disseisor,  
ou vers le alienee le dis-  
seisor, mes viuant le dis-  
seisor il poit auer Assise si il  
voyle, & le briefe de Entre  
dirra, in quod A. non ha-  
bet ingressum nisi per B.  
qui illud ei demisit, qui in-  
de eum iniuste disseisivit,  
&c. Mes si le disseisor ali-  
en, & le alienee deuie seisie,  
ou alien ouster a vn auter  
ou si le disseisor deuie, &  
son heir entra, & celuy heir  
alien ou deuie, & son heir  
entra, donques le disseisee  
ou son heire auera briefe  
de entre sur disseisin en le

L ij per

# The Exposition of

Per & Cui, Et le brieſe dira, in quod idem A. nō habet ingreſſum niſi p B. cui C. illud ei dimiſit, qui inde iniuſte, &c.

Et nota bien, que nul brieſe de entre en le Per & Cui, ſerra maintenable vers nulluy, mes lou il que eſt togant ſoit eins per purchaſe ou per diſcent: Mes ſi le alienation ou diſcent ſont deuenus hors des degres, ſur quel nul brieſe poet eſtre fait en le Per, ne en le Per & Cui, donques ſerra fait en le Poſt, & le brieſe dira, in q A. non habet ingreſſum niſi poſt diſſeiſinam, quam B. inde iniuſte & ſine iudicio fecit pſ. N. vel M. proauo N. cuius hzres ipſe eſt.

Auxy ſont 5. choſes q mittont la brieſe de entre hors des degres ceſt a dire, Entruſion, Succeſſion, diſſeiſin ſur diſſeiſin, Iudgement, ou Eſcheat.

1 Entruſion eſt quant le diſſeiſor deuie ſeiſie, & vn eſtrange abata.

2 Diſſeiſin ſur diſſeiſin, eſt quāt le diſſeiſor eſt diſſeiſie per vn auter.

Per and Cui, And the wꝛit ſhall ſay, in quod idem A. non habet ingreſſum niſi p B. cui C. illud ei dimiſit qui inde iniuſte, &c.

And note wel, that no Wꝛit of Entre in the Per and Cui ſhall be maintenable agaiſt none, but where he that is tenaunte bee in by purchaſe oꝝ diſcent: but if the alienation oꝝ diſcent be put out of the degres, vpon which no Wꝛit may be made in the Per, nor in the Per & Cui, then it ſhall be made in the Poſt, and the Wꝛit ſhall ſay, in quod A. non habet ingreſſum niſi poſt diſſeiſinam, quam B. inde iniuſte, & ſine iudicio fecit pꝛeſ. N. vel M. proauo N. cuius hꝛes ipſe eſt.

Alſo there are 5. things which put the Wꝛit of entre out of the degres, that is to ſay, Entruſſon, Succeſſion, diſſeiſin vpon diſſeiſin, Iudgement, & eſcheat.

1 Entruſſon is when the diſſeiſor dieth ſeiſed, & an eſtranger abateth.

2 Diſſeiſin vpon diſſeiſin, is when the Diſſeiſor is diſſeiſed by another.

3 Suc-

3 Succession, is where  
the Disseisor is a man of  
Religion, or byeth, or is  
deposed, and his successor  
entreteth.

4 Judgement is when  
one recouereth against the  
disseisor.

5 Escheat, is when the  
Disseisor dyeth without  
heire, or doth felony wher-  
by hee is attainted, by  
which the Lords entreteth  
as in his Escheat.

In all those cases the  
disseisor or his heire shall  
not haue a writ of Entry  
within the degrees in the  
Per, but in the Post, for  
that, that in those case ca-  
ses they are not in by dis-  
cent, nor by purchase.

193 *Entre ad communem  
legem.*

Also there is a writ of  
*Entre Ad communem  
legem*, and lyeth where te-  
nant for terme of life, te-  
nant for term of an others  
life, tenant by the curtesie,  
or tenant in Dower alle-  
nerd and dyeth, then he in  
the reuerfion shall haue  
the aforesaid writ against  
whomsoever is in after in  
the said tenement.

3 Succession, est lou le  
Disseisor est vn hōe de re-  
ligion & deuie, ou est de-  
pose, & son successor en-  
tra.

4 Iudgement est quant  
vn recouer vers le dissi-  
sor.

5 Escheat, est quant le  
disseisor deuie sans heire,  
ou fait felonie, per que il  
est attaint, per que le Seig-  
niour entra come en son  
Escheat.

En tous ceux cases le  
disseisor ou son heire na-  
uera brieve de Entre deins  
les degrees en le Per, mes  
en le Post, pur ceo que en  
ceux dits cases ils ne sont  
eins per discent ne ppur-  
chase.

*Entre ad communem  
legem.*

A Vryily ad vn brieve de  
*Entre ad communem  
legem*, & gist lou tenant  
a terme de vie, tenant a  
terme d'auter vie, tenaunt  
par la curtesie, ou tenaunt  
en dower alien & deuie,  
donques celuy en le reuer-  
fion auera le auant dit bře  
deuers quecunque que soit  
eins apres en les dits te-  
nements.

L. iij

193 *Entre*



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193 *Entre en casu prouiso.*

**A**Vxy brieſe de entre in casu prouiso giſt, ſi tenant en dower alien en fee ou pur terme de vie, ou pur auter vie, viuant le tenant en dower, celuy en le reuerſion auera le brieſe appel brieſe de entre in casu prouiso, & ceo eſt puruiew per le ſtatute de Gloceſter Cap. 7.

*Entre in the caſe prouided.*

**A**Lſo a writ of Entre in casu prouiso ſpeth, if tenant in dower alien in fee, or for term of life, or for another's life, living the tenant in dower, hee in the reuerſion ſhall haue the writ called a writ of Entry in casu prouiso, & this is prouided by the ſtatute of Gloceſter cap. 7.

194 *Entre in casu conſimili.*

**A**Vxy brieſe de entre in casu conſimili giſt ſi tenant pur terme de vie, ou tenat per la curteſie alien en fee, viuant eux celuy en le reuerſion auera vn brieſe appel brieſe de entre in conſimili casu, & ceo eſt per le ſtatute de Weſtmiſt. 2. cap. 24.

*Entre in caſu conſimili.*

**A**Lſo a writ of Entre in casu conſimili ſpeth, if tenant for terme of life, or tenant by the curteſie alien in fee, living them he in the reuerſion ſhall haue a writ, called a writ of Entry in casu conſimili, and this is by the ſtatute of Weſt. 2. cap. 24.

195 *Entre ad terminum qui præteriit.*

**A**Vxy brieſe de entre ad terminum qui præteriit giſt, ſi vn homie leſſe terres a vn auter pur terme dans, & le tenant tient ouſter ſon terme, donques de leſſour auera brieſe que eſt

*Entre ad terminum qui præteriit.*

**A**Lſo a Writ of Entre Ad terminum qui præteriit ſpeth, if a man leaſe land to another for term of years, & the tenant hold ouer his terme, then the leſſor ſhall haue a writ which is called

called a writ of *Entre Ad terminum qui preterijt.*

And also if lands be leas-  
ed so a man for terme of  
another's life, and hee for  
whose life the landes are  
leased dyeth, and the lessee  
holds ouer, then the lessor  
shal haue this writ.

196 *Entre without assent  
of the Chapter.*

Also a writ of *Entre  
fine assensu capituli* ly-  
eth, where an Abbot, Prior,  
or such as hath Couent  
or common seale, alieneth  
lands or tenements of the  
right of his Church, with-  
out the assent of the Court  
or Chapter, and dyeth, the  
the successor shal haue this  
writ.

197 *Entre for mariage in  
speech.*

Also a writ of *Entre  
Causa matrimonij prelo-  
cuti* lyeth where landes  
or tenements are giue to  
a man by such condition,  
that he shal take her to his  
wife within a certayne  
time, and he do not espouse  
her within the said terme,  
or espouse another woman,

*appel bñ de entre Ad ter-  
minum qui preterijt.*

Et auxy si terres sont les-  
ses a vn home pur terme  
d'auter vie, & cestuy pur q  
vie les terres sont lessies  
deuie, & le lessee tient ou-  
ster, donques le leilor auet  
cest briefe.

*Entre fine assensu Ca-  
pituli.*

Auxy briefe de entre fine  
assensu capituli gist lou  
vn Abbe, Prior, ou tiel que  
ad Couent ou common  
seale, aliene terres ou te-  
nements del droit de son  
esglise, sans le assent del co-  
uent ou chapter & deuie,  
donque son successeur auet  
ra cest briefe.

*Entre causa matrimo-  
nij prelocuti.*

Auxy brief de entre caus  
sa matrimonij prelocuti  
gist lou terres ou tenens  
sont done a vn home sur  
tiel condition, que il pren-  
dra la donour a sa feme  
deins certaintéps, & il ne  
luy espousa deins la dit  
téps, ou espouse aut feme,

L. iiii.

## The Exposition of

ou luy faire Preister, ou entra en religion, ou luy disable, ainsi que il ne puit luy prendre accordant a la dite condition: donques la femme donour & ses heires auera le dit brief vers luy ou vers quecunque est einsi en le dit terre. Auxy il couient que ceste condition soit fait par le indenture, ou autrement cest brief ne giste: & tous ceux & aus briefs d'entre payent este fait en le Per, Cui, & Post.

### 198 Entrusion.

**ENTRUSION**, est vn brief, & giste lou tenant a terme de vie, deue seigneur de certaine terres ou tenements, & vn estrange entra, celui en la reuerfion auera le dit brief vers laborator, ou vers quecunque que soit einsi apres leur entrusion.

Auxy vn brief de Entrusion sera maintainable par le successeur dun Abbe vers laborator qui entre en aucune terres ou tenements temps de vacation que appert a

or make himselfe Priest, or enter in Religion, or him disable, so that he cannot take her according to the said condition, then the donour and his heires shall haue the said Writ against him, or against whomsoever is in the said Land. And also it behooveth that this condition be made by Indenture, or otherwise this Writ doth not lie: and all these and other Writs of entrie may be made in the Per, Cui, & Post.

### Entrusion.

**ENTRUSION**, is a writ, and it lyeth where a tenant for terms of life dyeth seised of certaine lands or tenements, and a stranger entreteth, he in the reuerfion shall haue the said writ against the abator, or against whomsoever that is in after their entrusion.

Also a writ of Entrusion shall be maintainable by the successor of an Abbot against the abator which shall enter in any lands or tenements in the time of vacation that belongeth to the

the Church by the Statute of Marlebridge, the last Chapter.

199 Equitie.

**E**Quitie, is in two sortes differing much the one from the other, and are of contrarie effects, for  $\bar{h}$  one doth abridge, diminish and take frō  $\bar{h}$  letter of the law The other dooth enlarge, amplifie, & adde therunto.

The first is thus defined, Equitie is the correction of a Law generally made in that part, wherein it faileth, which correction of the generall words, is much vsed in our law. As if for example, when an act of parliament is made, that whosoever doth such a thing, shalbe a felon, & shal suffer death, yet if a madde man, or an infant of pong yeres that hath no discretion do the same, they shall bee no felons, nor suffer death therefore.

Also if a Statute were made, that al persons that shall receiue or giue meate or drink, or other succor to any  $\bar{h}$  shall do such a thing, shalbe accessary to his offence, and shal suffer death

sa Esglise per statute Marlebridge ca. ultimo.

Equitie.

**E**Quitie, est en deux maners, diuers moultre l'un del autre, & sont de contrary effects, car l'un abridge, diminish & toll de le terre del ley, Le aut enlarge, amplifie, & adde a ceo.

Le premier est issint de fine, Equitas est correctio legis generatim latae qua parte deficit, le quel correctio del generall parols, est moult vse en nostre ley. Sicome pur exemple, quāt acte de parliament est fait, quecunq; que fait tiel acte serra felon, & serra mise al mort, vncore si home de non sane memorie, ou enfant de tender age que nad discretion le fait, ils ne seront felons, ne mise al morte.

Auxy si estatute soit fait q̄ tous p̄sons que recetteront, ou donneront maunger ou boyer, ou autre aid a cestuy que faira tiel acte, seront accessary a son offence, & seront mise al mort

## The Exposition of

Gils conuisteront del fact,  
vncore lun fait tiel acte, &  
veigne a la proper feme, q  
sciant ceo luy receiue &  
done maunger & boyer a  
luy, el ne serra accessary  
ne felon, car en le general-  
ty de les dits parols del  
ley, cesty de non saue me-  
morie, ne le enfant, ne le  
feme fueront include in  
intent.

Et issint equitie correct  
le generalty del ley en ce-  
ux cases, & les parols ge-  
nerals sont per equitie a-  
bridge.

L'autre equitie est defi-  
ned en tiel manner. Equi-  
tas est verborum legis di-  
rectio efficiens, cum vna  
res solummodo legis ca-  
uetur verbis, & omnia alia  
in equali genere, eisdem  
caueantur verbis: & issint  
quant les parolx enacte vn  
chose, ils enactes routes  
chores que sont en sem-  
blables degrees, sicome  
le statute que ordeygne  
que en action de debt  
vers executours, cestuy  
que vient per distresse re-  
spondera, & extendra per  
equitie al administrators,

if they did knowe of the  
fact, yet notwithstanding  
one doth such an act, & co-  
meth to his wife, who  
knowing thereof doth re-  
ceiue him, and giues him  
meat and drinke, thee shall  
not be accessary nor felon,  
for in the generalty of the  
said wordes of the Law, he  
that is mad, nor the infant  
nor the wife, were not in-  
cluded in meaning.

And thus equitie dooth  
correct the generalty of the  
law in those cases, and the  
generall wordes are by es-  
quitie abridged.

The other equitie is des-  
fined after this sort, Equi-  
tas is when the wordes of  
the law are effectually di-  
rected, and one thing only  
provided by the wordes of  
the law, to the end that all  
things of s<sup>e</sup> like kind may  
be provided by s<sup>e</sup> same, & so  
whē the words enact one  
thing, they enact all other  
things s<sup>e</sup> are of like degre,  
as s<sup>e</sup> stat. which ordaynes,  
that in an action of debt  
against exectours, hee that  
doth appere by distres shal  
answer, doth extend by  
equitie to administrators,  
for

for such of them as doth  
appeare first by distresse,  
shall answer by equitie of  
the said act, because they are  
of the like kind.

So likewise the statute  
of Gloucester gives the ac-  
tion of wast, and the paine  
thereof against him that  
holds for life or yeres, and  
by the equitie of the same,  
a man shall haue an action  
of wast against him that  
holdeth but for one yere or  
halfe yere, and yet that is  
without the words of the  
statute, for he that holdeth  
but for half a yere, or one  
yere, doth not hold for  
yeres, but that is the mea-  
ning, and the words that  
enact the one by equity en-  
act the other.

car cestuy de eux que vient  
primes per distresse respon-  
dera per equitie del dit  
act, Quia sunt in æquali  
genere.

Ilint le statute de Glo-  
cester done le action de  
Wast, & le punishment  
de ceo vers cestuy q̄tient pur  
vie ou ans, & per le equi-  
tie de ceo home auera ac-  
tion de Waste vers cestuy  
qui tient forsque pur vn  
an, ou demy an, & vn-  
core ceo est hors del pa-  
rols del estatute, car cestuy  
que tient forsque pur demy  
an ou vn an, ne tient pur  
ans, mes ceo est le entent,  
& le parols que enact lun,  
per equity enacteront l'au-  
ter.

200

*Error.*

**E**Rrou, is a fault in a  
iudgement, or in the pro-  
ces, or proceeding to iudg-  
ment, or in the execution  
vpon the same in a Court  
of record, which in the ci-  
uill Law is called a Nul-  
liey, And also error is the  
name of a writte, and  
it lyeth where iudgement

*Error.*

**E**Rrou, est vn fault en vn  
iudgement, ou en le pro-  
ces, ou proceeding al iudg-  
ment, ou executio sur ceo,  
en Court de record, quel  
fault en le ciuill ley est ap-  
pel vn Nullitie. Et auxi Er-  
rou est le nosme de vn br̄,  
& gist lou iudgement  
est

## The Exposition of

est done en le Common  
banke ou deuant Iustice in  
Assise, ou deuant Iustice  
de Oyer & terminer ou  
deuant le Maior ou vicont  
de Londres ou en auter  
Court de Recorde, contre  
le ley, ou sur vndue ou ma-  
le processe, donques per  
cel briefe, le partie grieue  
vers que le iudgement est  
done auera cel briefe, &  
per ceo causera le Recorde  
& processe deslire remoue  
deuant les Iustices de bank  
le Roy. Et la si erreur soit  
trouue il serra reuerse; mes  
si erronious iudgement  
soit done en banke le Roy,  
donques il ne poit estre re-  
uerse forsque per Parli-  
amēt tanque le statute 27.  
Eliz.

Auxy si tel default soit  
en iudgement done en  
Court que nest de record,  
come en County, hundred  
ou Court baron, donque  
le party auera bñe de Faux  
iudgement pur faire le re-  
cord venir deuant Iustice  
de common bank. Auxy si  
error soit trouue in Leseche-  
quer il serra redresse per  
le Chancelour & Tresorer

is given in the Common  
place or before the Justice  
in Assise or Oyer and ter-  
miner, or before the Maior  
and Sheriffs of London,  
or in other Court of Re-  
cord, against the lawe, or  
vpon vndue and wrong  
processe, then by this  
writ the party grieved a-  
gainst whome the iudge-  
ment is given shall haue  
this Writ and thereupon  
cause the Record & proces-  
to be remoued before the  
Justices of the Kings bench.  
And if the error be found  
it shall be reuerfed: but if an  
erronious iudgement be  
given in the Kings bench,  
then it cannot be reuerfed  
but by Parliament, vntill  
the Statute 27. of Eliza-  
beth.

Also if such a default in  
iudgement be giuen in a court  
that is not of record, as in  
a county, hundred or in court  
baron, then the party shall  
haue a writ of false iudge-  
ment for to make the record  
to come before iustice of the  
common place. Also if error  
be found in the Exchequer,  
it shall be redressed by the  
Chancelor and Tresorer.



as it appeareth by the statute of E. 3. R. 31. cap. 12. vt patet per Statute Edw. 3. An. 31. cap. 12.

201 *Escape.*

**E**scape, is wher one that is arrested cometh to his libertie before he be deliuered by award of any iustice, or by order of law.

Escape is in two sorts, that is to say, voluntarie & negligent.

**V**oluntary escape, is when one doth arrest another for felony, or other crime, & after he in whose custody he is, letteth him goe where hee will, this lettting him goe is a voluntary escape.

And if the arrest of him that escaped, were for felony, then he that shall be felony in him & did suffer the escape, and if for treason, then it shall bee treason in him, & if for trespassse, then trespassse, & so in all other.

**N**egligent Escape is wher one is arrested, & after escapes against the wil of him that did so arrest him, & is not freshly pursued & taken before the pursuer looseth the sight of him, this shall be saide a negligent

*Escape.*

**E**scape, est lou vn que est arrest diueigne a son libertie deuaunt que il soyt deliuer per agard de ascun iustice, ou p order del ley.

Escape est en deux sorts videlicet, volutary & negligent.

Voluntary escape est qnt vn arreste auter pur felony, ou auter crime & puis celuy en que custodie il soit, luy lessier aler ou il vult, celleier de luy aler est vn voluntary escape.

Et si larrest de cestuy que escape fuit pur felony, ceo serra dit felony en cestuy que luy lessier descaper, & si pur treason il serra treason en luy, si pur vn trespassse, donque trespassse, & sic de singulis.

Negligent escape est qnt vn est arrest, & puis escape encounter le volunt de cestuy que luy arrest, & ne soit freshment pursue, & reprise deuaunt que le pursuor perda le view de luy, ceo serra dit negligent

## The Exposition of

gent escape, non obstant q<sup>ue</sup> cestuy hors de que posselli-  
on il escape luy reprist a-  
pres le vieu perdu. Auxy si  
vn soit arrest, & puis escape  
& est a son libertie, & ce-  
stuy en que garde il fust  
luy reprise apres, & luy a-  
mesne a le prison, vncore  
il est escape en luy.

Auxy si vn selon soit ar-  
rest per le Constable, &  
amesne a le gayle en le  
County & le gayler ne  
voyt luy receiuer & le  
Constable luy demit, & le  
gayler auxy, & issint il es-  
cape, cest est vn escape en  
le gailer, pur ceo, que en ti-  
el case le gailer est tenu  
de luy resceiuer p<sup>ar</sup> le maine  
le Constable sauns a-  
un precept de le Iusti-  
ce de peace. Mes aui-  
ment est si vn common  
person arrest auter pur sus-  
pition de felonie, la le  
gayler nest tenu de luy  
resceiuer sans precept de  
ascun des Iustices de peace.  
Il y ad vn escape auxy  
sans arrest, come si mur-  
der soit fait en le iour, &  
le murderer ne soit prise,  
donq; il est escape p<sup>ar</sup> que le

gent escape, notwithstanding that he out of whose  
possession hee escaped, doe  
take him after he lost sight  
of him. Also if one bee ar-  
rested, and after escape, &  
is at his libertie, and he in  
whose ward he was, take  
him afterward, and bring  
him to the prison, yet it is  
an escape in him.

Also if a felon be arre-  
sted by the Constable and  
brought to the gaile in the  
Countie, & the gailor will  
not receiue him & the Con-  
stable letteth him goe, and  
the gailor also, & so hee es-  
capeth, this is an escape  
in the gailor, for y<sup>e</sup> in such  
case the gailor is bound to  
receiue him by the hand of  
the Constable without a-  
ny precept of the Justice  
of peace. But other wise it  
is if a comon person arrest  
another vpon suspicion of  
felony, there the gailor is  
not bound to receiue him,  
without a precept of some  
Justice of peace. There is  
an escape also without ar-  
rest, as if murder be made  
in the day, & the murderer  
be not taken, then it is an  
escape, for the which the  
Towne

**T**own where the murder  
was done shalbe amerced.

ville ou le murder fait faye  
serra amercie.

102 **Eschete.**

*Eschete.*

**E**Schete, is where a tenāt  
in fee simple doth felony  
for the which he is hāged,  
or abtured the Realme, or  
be outlawed of felonye,  
murder, or petie treason, or  
if the tenant dieth without  
heire generall or speciall,  
then the Lord of whō the  
tenāt held the land may enter  
by way of Eschete, or if  
any other enter, the Lords  
shall haue against him a  
Writ, called a writ of Es-  
chete, which as I think is  
deriued of the french word  
Eschien.

**E**Schete, est lou vn tenant  
en fee simple face felo-  
nie pur q il est pendue ou  
abiure le Realm, ou vtlage  
de felonie, murder, ou pe-  
tie treason, ou si le tenaunt  
morust sans hīre general ou  
special, donqs le Sīr de q  
le īre est tenuis p le tenant  
poit enī pvoiy de Eschete,  
ou si ascun aut home enī, le  
Sīr auera vers luy vn brief  
appel bīe de Etchete, quel  
come semble est deriue del  
parol francoys Eschien.

*Escuage.*

103 **Escuage.**

**E**Scuage, is called in Las-  
tin Scutagium, that is to  
say, seruice of the shield, &  
he that holdeth by escuage,  
holdeth by knights ser-  
uice, and to that belongeth  
ward, marriage, & reliefe:  
but that shalbe intended of  
escuage not certaine, when  
ē escuage rīneth througħ  
England, when it is or-  
dained by all the Councell  
of England, that after the

**E**Scuage, est appel en Las-  
tine Scutagium, cest a-  
dire, seruitium scuti, & ces  
sīy que tient per escuage,  
tient per seruice de chīua-  
ler, & a ceo appent garde,  
marriage, & reliefe: mes  
ceo serra entende de escu-  
age non certaine, quant le  
escuage courage per tout  
Engleterre, quāunt est or-  
daigne per tout le Cōnsel  
Dengleterre, que apres les  
guerres

### The Exposition of

guerres chescun Seignior  
auera certaine somme de  
son tenant que ne fuit en le  
dit guerre. Mes si le tenant  
qui tient dascun Seignior  
per escuage, soit oue le roy  
en ses guerres en Escoce, &  
le Seign voit distraire luy  
pur Escuage, il serra bon  
plee adire, que il fuit oue  
le Roy en Escoce en le gu-  
erre, & ceo serra trie per le  
Marshall le Roy.

Et nota bene, q home ne  
poit tener per escuage, sino  
q il reigh per homage, pur  
ceo que escuage de com-  
mon droit treyt a luy hos-  
mage, come il fuit iudge  
en Term H. 21. E. 3. cap. 42.  
fol. 52. Auowrie 115. Et  
nota bene que Escuage est  
vn certaine somme de ar-  
gent, & doit estre lenie per  
le Seign de ses tenants so-  
lonque le quantitie de son  
tenure quaut le Escuage  
courage per tout Engleterre.  
Et ordaine est per tout le  
Counsell Dengleterre quant  
chescun tenaunt donera a  
son seignior, & ceo est pro-  
perment pur sustayner le  
le guer perenter Engleterre  
& ceux de Escoce, ou de

warre, euerp Lord shall  
haue a certaine somme of  
his tenant which was not  
in the said warre. But if  
the tenant which holdeth  
of any Lord by escuage, be  
with the king in his wars  
in Scotland, & his Lord  
will distraine him for Es-  
cuage, it shall bee a good  
plee to say, that hee was  
with the king in Scotland  
in his wars, & that shall be  
tried by the R. Mar shall.

And note wel, that a man  
may not hold by escuage,  
vnles he hold by homage,  
for that escuage of commo  
right dyaweth to him ho-  
mage, as it was iudged in  
Term H. 21. Ed. 3. cap. 42.  
fol. 52. Auowry 115. And  
note well, that Escuage  
is a certain somme of mo-  
ney, and it ought to bee le-  
ued by the Lord of his te-  
nant after the quantitie of  
his tenure when Escuage  
runneth through al Eng-  
land, And it is ordeined by  
al the councel of England  
how much euerp tenaunt shal  
giue to his Lord, & that is  
properly to maintaine the  
wars betwene England  
and the of Scotland, or of  
Wales,

Wales, and not between  
other landes, for that, that  
those foresaid lands shuld  
bee of right belonging to  
the Realme of England.  
See Lit. lib. 2. cap. 3.

204 *Esplees.*

Esplees, is as it were the  
seisin or possession of a  
thing, profit, or commodi-  
tie that is to be taken, as  
of a common the esplees  
is the taking of the grasse  
or common, by þe mouthes  
of the beaſts that common  
there: Of an aduowſon,  
the taking of groſſe tithes  
by the Parſon preſented  
thereunto: Of wood, the  
ſelling of wood, of an Or-  
chard, the ſelling of apples  
and other fruite growing  
there: Of a mil, the taking  
of toll is the Esplees, & of  
ſuch like. And note, that  
in a Writ of right of land  
or aduowſon, or ſuch like,  
the demaundant ought to  
alleadge in his count, that  
he or his anceſtors tooke  
the Esplees of the thing in  
demaund, or otherwiſe the  
pleading is not good.

205 *Essoine.*

Essoine, is where an actiō  
is brought, & the plain-

Gales, & non pas perentur  
autres terres, pur ceo q̄ les  
auantdit terres ſeront de  
droit appendant a la Roi-  
alme Dengleterre. Vide  
Lit. lib. 2. cap. 3.

*Esplees.*

Esplees, eſt come le ſei-  
ſin, ou poſſeſſion d'un  
choſe, profite, ou commo-  
dity q̄ eſt a prendre, come  
dun common les Esplees  
eſt le prendre del graille ou  
common per les bouches  
de les beaſts que common  
la: Dun aduowſon le pren-  
der de groſſe diſmes, per le  
Parſon preſented al ceo:  
De boys, le vender de bois:  
dun Orchard, le vender de  
pomes & aũs fruits creſ-  
ſants la: Dun molin, le pri-  
ſel de toll eſt les Esplees, &  
de tiels ſemblables. Et no-  
ta, que en brieſe de Droit  
de terre, ou aduowſon, ou  
tiels ſemblables, le demā-  
dant doit alleadge en ſon  
count, que il ou les aũce-  
ſtors priſe les esplees de  
choſe en demaund, ou au-  
terment le count neſt bon.

*Essoine.*

Essoine, eſt lou vn actiō  
eſt port, & le plain-  
M tife

# The Exposition of

aise ou defendant ne poir  
bien apparear al iour en  
court pur vn de 5. causes  
desouth expresses, donqs  
il serra essoine de sauoir son  
default.

Nota que s'ot 5. maners  
de essoines, cest adire, Es-  
soine de ouster le mere, &  
per ceo le defendant au-  
ra iour per xl. iours. Le  
second Essoine est de ter-  
ra sancta, & sur ceo le  
defendant auera iour per  
vn an & vn iour, & les de-  
ux seront gift al commen-  
cement del plee. Le tierce  
essoine est de male vener, &  
ceo serra adiorne ad com-  
mon iour come action re-  
quire, & appel le common  
essoine, & quant, & coment  
cest essoine serra, vide les  
statutes, & lieur de abridg-  
ment de statutes, lou il est  
bien declare. Auxy le 4.  
Essoine est De malo lecti, &  
ceo est solement en briefe  
de droit, & sur ceo issira  
briefe hors del Chaunce-  
rie direct al Vicont, que  
il maundera quarter Chi-  
ualers al tenant de veier le  
tenant, & si il soit ma-  
ladie, de doner a lu

aise or defendant may not  
well appeare at the day in  
court for one of the 5. cau-  
ses vnder expresse, then  
he shall be essoined to sauoir  
his default.

Note well that there be  
5. maner of Essoines, that  
is to say, essoine De ouster  
le mere, & by that the de-  
fendant shall haue a day by  
xl. daies. The second Es-  
soine is De terra sancta, &  
vpon this the defendant  
shall haue a day by a yere &  
a day, & theserdwin shall be  
laid in the beginning of p-  
ples. The third essoine is  
De male vener, & that shall  
be adiorned to a common  
day as the actio requireth,  
and this is called the com-  
mon essoine, & when, and  
how this essoine shall bee,  
looke the statutes and the  
Abridgement of statutes,  
where it is well declared.  
And the 4. Essoine is De  
malo lecti, & that is onely  
in a writ of right, & there-  
vpon there shall a writ go  
out of the Chaucery, di-  
rected to the sheriff, that he  
shall send 4. knightes to  
the tenant to see the tenant,  
and if he be sick, to giue a  
day

day after a peere & a day.  
Also the sith *Esloine* is de  
service del Roy, & it lyeth  
in all actions except in *Is-*  
*se* de Nouel disseisin, a  
*Writ* of Dower, Darreine  
presentment, & in appeale  
of Murder, but in this *es-*  
*loine* it behooueth at the  
day to shew his warrant  
or els it shall turne vnto a  
default, if it be in a plee re-  
al, or else he shall loose xx.  
shillings for the iourney,  
or more, by the discretion  
of the Justice, if it be in a  
plee personall, as it appe-  
reth by the Stat. of Glou-  
cester cap. 8.

iour apres vn an & vn iour.  
Auxy le 5. *Esloine* est de ser-  
uice le roy, & gist en tous  
actions forsque en *Alise*  
de Nouel disseisin, brieve  
de Dower, Darreine pre-  
sentment, & in appeale de  
Murder, mes en cest *esloin*  
il couient al iour de mon-  
strer son garrant, ou auter-  
ment il tornera vn default,  
sil soyt en plee real, ou au-  
terment il perdra xx. s. pur  
le iourney ou plus, per le  
discretion del Justice, sil  
soit en plee personel, vt pa-  
tet per le statute de Glouc.  
cap. 8.

206 *Estoppel.*

*Estoppel*, is when one is  
concluded & forbidden  
in lawe to speake against  
his own act or decree, yea  
although it bee to say the  
truth.

And of *Estoppels* there  
are a great many, one for  
example is, when J. S.  
is bound in an obligation  
by the name of T. S. or  
any other name, & is sued  
afterward according to  
name in the Obligation,  
that is to say T. S. now

*Estoppel.*

*Estoppel* est quant vn est  
conclude & deny en ley  
de parler encounter son  
act ou fait demeline, aient  
obstant il soyt pur dire le  
veritic.

Et de *Estoppels* il y ad  
vn graund number, vn pur  
example est quaut J. S.  
est oblige en vn obligation  
per le nosme de T. S. ou  
ascun autre nosme, & est  
sue apres accordant al  
le nosme mis en le obli-  
gation, cest adire T. S. ore

M ij.

il



### The Exposition of

il ne serra receiue adire q  
il est misnomme, mes serra  
chase a responde accorde  
al nomme mis en le obli-  
gation, cest adire T. S. car  
paradventure loblige ne  
scauoit pas son nomme;  
mes p le report tantole-  
ment del obligor mesme,  
& entant que il est mesme  
le home que suit oblige, il  
serra estoppe & denie  
en ley pur adire le con-  
trary enconter son fait de-  
mesme, car autrement il  
poit prendre aduantage de  
son tort demesme, le quel  
le ley ne voit suffer vn  
home de faire.

he shall not be receiued to  
say, that hee is misnamed,  
but shall be driuen to an-  
swere according to h name  
put in the obligation, that  
is to say, T. S. for perad-  
venture the obligee did  
not knowe his name, but  
by the report of the obli-  
gor himselfe, & in as much  
as he is the same mā that  
was bound, he shall bee es-  
topped, and forbidden in  
Law, to say contrarie to  
his owne deed, for other-  
wise he might take adua-  
tage of his owne wrong,  
which the Lawe will not  
suffer a man to do.

Auxy si le file que est  
heyre a son pere voyt suer  
livery oue sa soer que est  
vn bastard, el ne serra  
apres receiue pur dire que  
sa soer est vn bastard, en-  
tant que si la bastard soer  
prist le moytie del terre  
oue luy, il nad remedy per  
le ley.

Also if the daughter that  
is an heire to her father,  
will sue livery with her si-  
ster that is a bastard, she  
shall not afterward be re-  
ceiued to say that her sister  
is a bastard, in so much that  
if her bastard sister take  
halfe h land with her, there  
is no remedy by the law.

Auxy si vn home seisie  
de ter: e en fee simple voyt  
prendre vn lease pur ans de  
in le terre de vn estraunger  
per fait endent, cest vn es-  
toppel durant le terme de

Also if a man seised of  
lands in fee simple will take  
a lease for yerres of the same  
land of a stranger by deed  
indentured, this is an estop-  
pell during the terme of  
yerres,

peres, & the lessee is there-  
by barred to say the truth,  
for the truth is, that hee  
that leased the lād had no-  
thing in it at y<sup>e</sup> time of the  
lease made, and that the fee  
simple was in him that did  
take the lease: but thus hee  
shall not be recoued to say  
till after the peres are de-  
termined, because it appe-  
reth that he hath an estate  
of peres, & it was his folly  
to take a lease of his owne  
lands, & therfore shal thus  
be punished for his folly.

ans, & le lessee est pur ceo  
barre adire le veritie, car  
le verity est, que il que les-  
sa la lre nād riens en ceo al  
temps del leas fait, & q<sup>e</sup> le  
fee simple fuit en luy q<sup>i</sup> prist  
le lease: Mes ceo il ne serra  
receiue adit tanque aps les  
ans serra determine, pur  
ceo que il appiert que il ad  
estate pur ans, & il tuit son  
folly de prend' vn lease de  
ses terres demesne, & pur  
ceo seir issint puny pur son  
folly.

207. *Esstraungers.*

*E*sstraungers, are sometimes  
taken, they that are not  
parties or priuies to y<sup>e</sup> le-  
turing of a fine, or making  
of a deed: Somtines they  
that be born beyond y<sup>e</sup> seas

*E*sstraungers, sont ascun  
foits prise, ils q<sup>i</sup> ne sont  
parties ne priuies al fine le-  
uie, ou fefans de vn fayt:  
Afcun foyts ils q<sup>i</sup> sont nee  
ouster le mere.

208. *Esfray.*

*E*Sfray, is wher any beast  
or cattell is in any lord-  
shippe, and none knoweth  
the owner thereof, then it  
shall be seised to the vse of  
the king, or of the Lorde  
that hath such esfray by  
the kinges graunt, or by  
prescription: And if the  
owner come & claime ther-  
to within a year & a daye,

*E*sfray.  
*E*Sfray, est lou ascun beast  
ou cattel est en asc' Sñry  
& nul conuist le owner de  
ceo, donqs ceo serra seisie  
al oeps le Roy, ou de le  
Seignieur que ad tiel es-  
fray per graunte le Roy, ou  
per prescription, & si le  
owner vient & fait clayme  
a ceo deins an & iour,

M. iij. dan-

## The Exposition of

doncs il le reaveit, ou au-  
mēt apres le an le proper-  
ty de ceo seir al Sñr, issint q̃  
le Sñr face proclamation  
de ceo accordant a le  
ley.

then he shal haue it again,  
oz els after the yer the pro-  
perty thereof shalbe to the  
lord, so that the lord make  
proclamation thereof ac-  
cording to the Law.

### 209 *Estrepmēt.*

**E**Strepmēt est vn bñe, &  
gist lou vn est implede p  
vn Precipe quod reddat  
pur certaine terre, si le de-  
mandant suppose q̃ le tenāt  
voile faire waste pendaunt  
le plee, il auera vers luy cē  
bñ q̃ est vn prohibition, luy  
commandant q̃ il ne face  
wast pendant le plee.

### *Estrepmēt.*

**E**Strepmēt, is a writ, &  
it lieth where one is im-  
pleaded by a Precipe quod  
reddat, for certaine land, if  
the demandāt suppose that  
the tenant will doe waste  
hanging the plee, hee shall  
haue against him this writ  
which is a prohibition,  
commaunding him that he  
doe no waste hanging the  
plee.

Et cest bñe gist ppermet  
lou vn home demād teire  
p Formedon, ou bñe de  
Droit, ou tiels bñs lou il ne  
recoũ damage, car en tiels  
bñs lou il recouera dama-  
ges, il auera ses damages,  
ayant regard al wast fait.

And this writ lieth pro-  
perly where a man demā-  
deth lands by Formedon,  
oz Writ of Right, oz such  
Writs where hee shal not  
recouer damages, for in  
such writs where hee shall  
recouer damages, he shall  
haue his damages, hauing  
regard to the wast done.

### 210 *Estate probanda.*

**E**Tate probanda, est vn  
bñe de office, & gist pur  
le heire le tenant que tient  
del Roy in capite, pur pro-  
uerque il est de plein age,

### *Estate probanda.*

**E**Tate probanda, is a writ  
of office, & it lieth for the  
heir of the tenant that held  
of the king in chiefe, for to  
proue that he is of full age,

directed to the Shyriffe to enquire of his age, & then he shall become ternaunt to the king by the same seruices that his auncestors made to the king: But it is said that euery one that shall passe in this enquest shall bee of the age of xliij. yeres at least, so that hee was of full age when he & sueth the wytt was boyn.

direct al vicont pur enquirer de son age, & donques il deuendra tenant al Roy per mesme les seruices que son auncestor fist al Roy: Mes il est dit, que chescun que passera en cest enquest serra del age de xliij. ans al meins issint que il fuit de pleine age al temps quant cestuy que suist le brieve fuit nec.

*Excommungement.*

**EX**commungement, is to say in Latine Excomunicatio, and it is where a man in Court Christian is excommunged, then hee is disabled to sue any action in the kinges Courte, and if hee remaine excommunicate xl. daies, and will not be iustified by his Ordinary, then the Bishop shall send his Letter patent to the Chancelor to certifie this Excommunication or contempt, and thereupon it shall bee commanded to the Shyriffe to take the body of him that is accursed by a Wytt called de excomunicato capiendo, til he hath made agreement to holy church, for

*Excommungement.*

**EX**commungement, est adire en Latine Excommunicatio, & est lou vn home per la iudgement en Court Christian est excommunge, donques il est disable de suer aucun action en Court le Roy, & sil remaine excommunge xl. iours, & ne voile este iustifie per son Ordinarie, donques le Euesque mandera son letter al Chauncelour de certifier le excommunication ou contempt, & sur ceo serra commaund al Vicount de prendre le corps lexcommunge per vn brieve appel Excommunicato capiendo, iusque il ad fait gree al saint Esglise, pur

# The Exposition of

le contempt & tort, & quant il est iustifie, & ad fait gree, donque leuef- que maumdera la letref al Roy, certifiant ceo, don- ques serra maunde al vis- count de luy deliuer per vn brieve appell Excom- municato deliberando.

Veies le statute 5.E.6.

212 *Exchange.*

EXchange est lou vn home est seisi de certain terre, & vn auter home est seisi de auter terre, siils p vn fait endent, ou sans fait si le terres sont en vn cou- tie, exchange lour terres, issint que chescun de eux auera auters terres, a luy issint exchange en fee, en fee taile, ou a terme de vie, ceo est appell vn exchange; & est bone sans liuery & seisin.

Auxy in exchange il co- uient que les estates a eux limitee per l'exchange sont egalles, car si vn aueroit estate en fee in la terre, & l'auter aueroit estate in auter terre forsque pur time de vie, ou en taile, dō- ques tiel exchange est void, mes si les estates sont

the contempt and wrong, and when he is iustified & hath made agrement, the the Bishop shall send his letters to the King certifying the same, and then it shall be commanded to the Shire to deliuer him by a Writ called Excommunicato deliberando.

See the statute 5.E.6.

*Exchange.*

EXchange, is where a mā is seised of certatne land, and another man is seised of other land, if they by a deed indeted, or with- out deed, if the lands be in one countre, exchange their lands so that euery of the shall haue other lands to him so exchaunged, in fee, fee taile, or for term of life, that is called an exchāge, and is good without livery or seisin.

Also in exchange it be- hooueth that the estates to the limited by the exchāge bee egal, for if one should haue an estate in fee in his lād, & the other should haue estate in the other land, but for terme of life, or in taile, the such exchange is void, but if the estates be egall,

egal, and the lands be not of egal value, yet the exchange is good. Also an exchange of rent for land is good. Also an exchange between rent & common is good, and that ought to be by deed. Also it behooveth alway, that this word exchange be in the deed, or els nothing passeth by the deed except that he have livery and seisin.

213 *Execution.*

**E**XECUTIO, is where iudgement is giue in any action that the plaintife shall recover the land, debt, or damages, as the case is, & when any writ is awarded to put him in possession, or to do any other thing, whereby the pl<sup>r</sup> should the better be satisfied his debt or damages, & is called a writ of executio, & when he hath the possession of his land, or is paid of his debt or damages, or hath the body of the defendant awarded to prison, then he hath execution, & if the plea be in the county or court baron, or hundred, & they defer the execution of the iudgement in favour of the party, or for

egal, & les terres ne son de egal value, vncore l'exchange est bone. Auxy vnexchange de rent pur terre est bone. Auxy exchange inter rent & common est bone, & ceo couient estre per fait. Auxy il couient tous foies q<sup>e</sup> cest parol exchange soit in le fait ou autrement rien passa per le fait si non q<sup>e</sup> il aiet livery & seisin.

*Execution.*

**E**XECUTION, est lou iudgement est done en aucun action q<sup>e</sup> le plaintife recouera la terre, le det ou damages, come le case est, & q<sup>e</sup>nt aucun briefe est agarde de luy miter en possession ou de faire aucun chose, par que le plaintife serra le mieux satisfie son debt ou damages, ceo est appel briefe de execution, & quant il ad le possession de le terre, ou est pay de det ou damages, ou ad le corps le defendant agard al prison, donques il ad execution, & si le p<sup>l</sup>ge soit en County, ou Court Baron, ou hundred, & ils delayont le execution del iudgement in favour de party ou pur auter

## The Exposition of

auter enchealon, dunque le demandant auera briefe de Executione iudicij. Nota que en briefe de dett, home nauera recouery de nul terre, mes de ceux que le defendant auoit iour de iudgement rendu. Et de chateux home auera execution solement des chateux, queux il auoit iour de execution sue.

214 *Executor.*

**EX**ecutor, est quant home fait son Testament & darreine volunte, & in ceo nosma le person que executera son testament, dunque cestuy que est issint nosme est son executor, & est a tant come en le ciuil ley (*heres designatus vel testamentarius*) come al dett, biens & chattels son testator, & tiel executor auera action vers chescun debtor de son testator, & sile executors out assers, chescun a que le testator fuit indebt, auera action vers le executors sil ad obligation ou especialty, mes in chescun case lou le testator pui issint gager son ley, nul action gult vers executor.

other cause, the the demandant shall haue a writ of Executione iudicij. Note that in a Writ of Debt, a man shal not haue recovery of any lāds, but of them which hē defendant hath hē day of hē iudgemēt peelded. And of cattels a man shall haue execution only of the cattels, which he hath day of the execution sued.

*Executor.*

**EX**ecutor, is when a man maketh his testament & last will, and therein nameth the person that shall execute his testament, then he that is so named is his executor, & is as much as in the ciuil law, (*heres designatus* or *testamentarius*) as to debts, goods & cattels of his testator, & such an executor, shall haue an action against euery debtor of his testator, & if the executor haue assers, euery one to whō the testator was in debt, shall haue an action against the executor, if he haue an obligatiō or specialty, but in euery case wher hē testator might wage his lawe, no action lieth against the executor.

Looke



Look moze thereof before  
in the title Administrators.

215 *Exigent.*

**E**Xigent, is a writ, & it lyeth where a man sueth an action personal, and the defendant cannot be found, nor hath nothing within the county whereby he may be attached nor distrayned, the this writ shall go forth to the sheriffe to make proclamation at five counties every one after another, & he appeare, or els that hee shalbe outlawed: and if he be outlawed, then all his goods & chattels be forfeit to the king. Also in an indictment of felony, the Exigent shal go forth after the first Capias. And also in a Capias ad computandum, or ad satisfaciendum: And in every Capias that goeth forth after iudgement, the Exigent shal go forth after the first Capias. And also in an appeale of death, but not in an appeale of robbery, or appeale of mayme.

216 *Ex parte talis.*

**E**X parte talis, Look therefoze before in the title Account.

Vide plus de ceo deuant  
titulo Administrators.

*Exigent.*

**E**Xigent est vn briefe, & gist lou home sue action personall, & le defendant ne puit estre troue ne ad ryens deins le county, p que il puit estre attrache ne distraint, donques cest bre issera al Vicount de faire proclamation al v. Counties chescun apres au q il appeare ou auterment q il serra vtlage: & si soit vtlage, dōques tous les biens & chateaux sont forfeites al Roy. Auxy en vn endictment de felony le Exigent issera aps le primer Capias. Et auxy en Capias ad computādū, ou ad satisfaciēdum, & en chescun Capias que isst apres iudgement le exigent issera apres le primer Capias. Et auxy en appeale de mort, mes nemy en appeale de robbery, ou appeale de mayme.

*Ex parte talis.*

**E**X parte talis: Vide de ceo deusunt titulo Account.

**Ex**

The Exposition of

217 *Exgravi querela.*

**E**Xgravi querela, Vide de ceo deuant titolo Deuife.

218 *Extinguishment.*

**E**Xtinguishment, est lou ascun Sñr, ou ascun aut ad ascun rent ou seruice issuant dascun terre, & il purchase mesme la terre, issint que il ad tiel estate en la terre, come il auoit en le rent, donques le rent est extinct, pur ceo que vn ne puit auer rent issuant hors de son terre demesne. Auxy qñt ascun rent serra extient, il couient que le terre & le rent sount en vn main, & auxy qñ lestate que il ad ne soit defeasible, & auxy qñ il ait auxy bñ estate en la ðre cōe en le rent, car sil ad estate en la ðre forsq; pur ðme de vie ou dans, & ad vn fee simple en le rent donqs le rent nest extinct, mes le rent est en suspence pur cel temps; & donque, apres le terme le rent est reuiue. Auxy si soyt Seignour, mesne & tenant, & le Seignour purchase la tenancie, donque le mesnaltie est extincte, mes le mesne auera le surplusage

*Exgravi querela.*

**E**Xgravi querela, Looke therefore befoze in the title Deuife.

*Extinguishment.*

**E**Xtinguishment, is wher any Lord, or any other, hath any rente or seruice going out of any land & he purchaseth the same land, so that hee hath such estate in the land as he hath in ð rent, thē the rent is extinct for that one may not haue rent going out of his own land. Also when any rent shall be extinct, it behoueth that the land and the rent be in one hand, & also that ð estate that he hath be not defeasible: & also ð he haue as good estate in the land, as in ð rent, for if hee haue estate in the lande, but for terme of life or yeeres, and hath fee simple in the rent, thē the rent is not extincte, but the rent is in suspence for that time, and then after the terme, the rent is reuiued. And if there be Lord, mesne, and tenaunt, and the Lord purchase the tenance, then the menaltie is extinct, but the mesne shall haue the surplusage of

of the rent, if there be any, as rent secke. Also if a man haue a highway appendant & after purchase the land wherein the highway is, then the way is extinct: and so it is of a common appendant.

219 Extortion.

**E**Xtortion, is w<sup>th</sup>g done by an officer, Ordinary, Archdeacon, Official, Mayor, Bailife, Sherife, Escheator, Coroner, vnder Sheriff, gailer, or other officer, by colour of his Office, in taking excessive reward or fee, for execution of his saide office, or otherwise, and is no other thing indeed, then plaine robbery, or rather moze odious th<sup>n</sup> robbery, for robbery is apparant, and alwayes hath with it the countenance of vice, but extortion being as great a vice as robbery is, carrieth w<sup>th</sup> it a countenance of vertue: by meanes wherof it is the moze hard to bee tried, or discerned, and therfore the moze odious, and yet some there be that wil not sticke to stretch their office, credit & conscience, to purchase

del rent, si aucun soit, come rent secke. Auxy si home ad chymin appendaunt & puis purchase le terre en q<sup>e</sup> le chymin est, donques le chymin est extinct, & auxy est de vn common appendant.

Extortion.

**E**Xtortion, est vn torte fait p vn Officer, Ordinarie, Archdeacon, Official, all, Maior, Bailife, Vicount, Escheator, Iouthuicount, Coroner, Gailer, ou autre officer, colore officij sui en predrance excessive rewarde ou fee, sur execution de son dit office, ou autrement, & nest autre chose en fait, que plain robbery, mes plus odible que robbery, car robbery est apparant, & tout temps ad oue luy le countenance de vice, mes extortion esteant cy haut vice, come robbery est, port oue luy vn couenance de vertue, per reason de quel il e le plus dure de se trier, ou discerner, & p ceo le plus odible, & vncor asc' il y ad q<sup>e</sup> ne voiloient dem<sup>r</sup> mes stretch leur office, credite, & conscience, p purchaser money,

# The Exposition of

money, cybien per extortion, come autrement, accordant al disans de le Poet Virgil, Quid non mortalia pectora cogit, auri sacra fames?

F.

220 *Failer de Record.*

**F**Ayler de Record, est qnt vn action est porte enus vn, & le defendant plede ascun matter de Record en auter sort & auerif de ceo proue per le Record. Et le plaintife dit nul tiel record sur que le defendant ad iour done a luy, pur amesth eins le record a quel iour il fayle, ou amesne eins vn tiel que nest barre al cest action, donques il est dit de fayler de record, & sur ceo le plaintif auerif iudgement de recouer, &c.

221

*Fait.*

**F**Ait est vn escript enseale & deliuer a prouer & resstifyer le agreement del partie quel fait il est, al chose containe en le fait, cōc vn fait de feoffment est vn proue del liuerie de

money aswel by extortion as othwise, according to the saying of the poet Virgil, what is that y hunger sweet of gold doth not constrain men mortall to attempt?

F.

*Failing of Record.*

**F**Ailing of record, is whē an action is brought against one, and the defendant pleadeth any matter that is of record in another sort, and doth auerire to proue it by record. And the plaintife saith there is no such record, whereupon the defendant hath day giuen him to bring in the record, at which day he fayleth, or brought in such a one, as is no barre to this action, then hee is said to faile of his record, & thereupon the plaintif shal haue iudgement to recouer, &c.

*Deede.*

**D**Eede, is a writing sealed and deliuered, to proue & testifie the agreement of the partie, whose deede it is, to the thing contained in the deede, as a deede of feoffment is a proue of the liuerie of

seisin,

seisin, for the land passeth by the liuery of seisin, but when the deed and the deliuerie are ioyned together, that is a pꝛoofe of the liuery, and that the feoffor is contented that the feoffee shall haue the land. And note, that al deedes are either indented, whereof there be two, thre or more partes, as the case requirith, of which the feoffour, grauntoꝝ, or lesfour hath one, the feoffee, graantee, or lessee another: And peraduenture some other body also another, &c. Or els they are poll deedes, or single, and but one, which the feoffee, graantee, or lessee hath, &c. And euery deede consisteth of thre pꝛincipal points, (and if these thre be not ioyned together, it is no perfect deede to bind the parties) namely, wꝛitting, sealing, and deliuerie.

The first point is wꝛitting, where by is shewed the parties names to the Deed, their dwelling places, their degrees, the thing granted, vpon what considerations, the estate

seisin, car le terre passa per le liuery de seisin mes quant le fait & le liuery est ioynt ensemble, cest vn proue del liuery, & que le feoffor est content, que le feoffee auera le terre. Et nota, que tous faictes sont ou indent, de quel y sont deux, troies, ou plusors partes, come le case requiere, de que le feoffour grauntor, ou lesfour ad vn, le feoffee, grantee, ou lessee, vn auter: Et peraduenture aucun auter person auxy vn auter &c. Ou autrement ils sont faictz pol, ou single, & forsque vn, le quel le feoffee, grantee, ou lessee ad &c. Et chescun fait consist de trois principal choses, (& si ceux trois ne sont ioyne ensemble, il nest perfect fait de lier les parties) nosmemēt, escripture, sigillation, & deliuerie.

Le primer point est escripture, per que est declare les nosmes del parties al fait, leur habitation, leur degrees, le chose grauntus sur queux considerations, le estate  
limit,

The Exposition of

limit, le temps quant il fuit  
grauntus, & si simplement  
ou sur condition, oue au-  
ters tielx semblables cir-  
cumstances. Mes si les  
parties al fait, escript en le  
fine lournosmes demesne,  
on mis a ceo leur marques  
(come il est communemēt  
vse) il ne fait aucun matter  
(come ieo suppose) car ceo  
nest entende, ou il est dit,  
que chescun fait couient  
de auer escripture.

Le second point est si-  
gillation, que est plustes-  
timonie de leur consents  
al ceo containe en le fait,  
come appiert per ceux  
parolx, *In cuius rei testi-*  
*monium &c.* ou a tiel ef-  
fect, mis en le fine de  
faits, sans queux parolx,  
le fait est insufficent. Et  
pur ceo que nous sumus  
en sigillation & signing  
de faits, il ne serra de-  
hors, icy a monstre a  
vous, pur le amour del an-  
tiquite, le maner del sig-  
ning & subscribing de  
faits, en nostre aunces-  
tors le Saxons temps, vn  
fashion different de ceo q  
nous vse en ceux nostre

limited, the time when it  
was graunted, and whe-  
ther simply, or vpon con-  
dition with other such  
like circumstances. But  
whether the parties vnto  
the deed, write in the end  
their owne names, or set  
to thei'r marks (as it is  
commonly v'sed) it ma-  
keth no matter at all (as  
I thinke) for that is not  
meant, where it is saide  
that euery deede ought to  
haue writing.

The second point is  
sealing, which is a further  
testimony of their consents  
to that contained in the  
deede, as it appeareth  
in these wordes. *In wit-*  
*nes whereof, &c.* or to such  
effect, alwaies put in the  
latter end of deedes, with-  
out which woordes the  
deed is insufficent. And  
because we are about sea-  
ling and signing of deedes,  
it shall not bee much a-  
miss here to shewe you,  
for Antiquities sake, the  
manner of signing & sub-  
scribing of deedes, in our  
auncestors the Saxons  
times, a fashion differing  
fro that we vse in these our  
daies,

dayes, in this that they to their deedes subscribed their names (commonly adding the signe of the Crosse,) and in the ende did set downe a great number of witnesses, not vsing at that time any kinde of seale. And wee at this day for moze suertie, both subscribe our names, (although that bee not verie necessarie, as I haue aforesaid) and put to our seales, and vse the help of testimony besides. That former fashion continued throughout, vntil the time of the Conquest by the Normans, whose maners by little & little at length preuailed amongst vs, for the first sealed Charter in England is thought to be that of King Edward the Confessor to the Abbe of West, who being brought vp in Normandy, brought into this realme, that and some other of their guises with him. And after the coming of William the Conqueror, the Normans liking their owne country customes (as naturally all Nations doe) reiecte

iours, en ceo que ils a lour taites subscribe lour nommes, (communement adding le signe del Crosse) & en le fine mis vn graund number des testimoignes, niēt v-  
sant a celtēps aucun manū de sigil. Et nous a cest iour pur plus suertie, auxy bien subscribe nosr nomme (ni-  
ent obstant ceo nest mult necessary, comē ieo aye des-  
uant dit (& mis nosr sigilles, & vse le ayd des tesmoignes auxy. Cest  
primer fashion continue per tout, tanq; al temps del Conquest p les Nor-  
mans, que maners per petit & petital darayne preuayle enter nous, car  
le primer Chari sigil en Engleterre est pense deſſſ  
ceo del Roy Edward le Confessour al Abbey de Westminster, que esteant  
educate en Normandy, port en cest Renlm cec, & aucun auter de lour  
guises. Et apres le veniens de Guillian le Conque-  
rour, les Normans estis māt de le custom de lour pays (come naturalment  
touts Nations font) reiect

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## The Exposition of

le maner que ils trouont cy, & reteignent leur propre, com̃ Ingulphus le Abbot de Croiland, que vient eins oue le Conquest tesmoigne, dicens: Normanni cheriographorum confectioem, cum crucibus aureis, & alijs signaculis sacris in Anglia firmari solitam in cera impressa mutant, modumque scribendi Anglicum reijciunt. Mes nient obstant ceo ne fuit fait tout al vn temps, mes il encrease & vient eins per certain steps & degrees, issint que primes & pur vn seison le Roy solement, ou vn peu auters de le Nobilitie ouster luy vse de sigiller: Donques le Noble homes pur le plus part, & nul auters: Quel chose vn home poyt veyer en le History de Battel Abbey, ou Richard Lucy chiefe Justice de Engleterre, en le temps del Roy Henry le second, est report de auer blame vn meane subiect, pur ceo que il vse vn priuate sigille, quant ceo pertaine (come il dit) al Roy & Nobilitie solement.

the maner that they found here, and retained their owne, as Ingulphus the Abbot of Croiland, who came in with the Conquest witnesseth, saying: The Normans do change the making of wrytinges which were wont to bee firmid in England with crosses of gold, and other holy signes, into the printing waxe, and they reiect also the maner of the English wryting. Howbeit this was not done all at once, but it increased and came forwarde by certaine steps and degrees, so that first and for a seison the King onely, or a fewe other of the Nobilitie besides him vsed to seale: Then the noble men for the most part, & none other: which thing a man may see in the History of Battel Abbey, where Richard Lucy chief Justice of Englad, in the time of R. H. the second, is reported to haue blamed a mean subiect, for that he vsed a priuate seal, when as that pertained (as he said) to the King and Nobilitie onely.

At which time also (as I. Rolfe noteth it) they vsed to engraue in their seals, their own pictures & counterfetts, couered with a long coat ouer their Armours. But after this the Gentlemen of the better sort tooke by the fashion, and because they were not al warriours, they made seales ingrauen with their seuerall coats or shields of armes, for difference sake, as the same autho<sup>r</sup> reporteth. At the length about the time of King Edward the third, seales became very common, so that not onely such as bore armes vsed to seale, but other mē also fashioned to theselues Signets of their own deuise, some taking the letters of their owne names, some flowers, some knots, and flourishes, some birds and beastes, and some other things as we now yet daily behold in vse.

Some other maners of sealing, besides these haue bin heard of among vs as namel<sup>y</sup> that of King Edward the third, by which

A q<sup>l</sup> temps auxy (come I. Rolfe note ceo) ils vse de ingraue en leur sigils, leur pictures demesme, & couerfaits, cou oue lóge tunicle super leur Armours. Mes apres ceo les Gentlemen del meliour sorts prist le fashion, & pur ceo que ils ne fueront toutes guerriours, ils fesoient sigilles engraue oue leur seuerall coates ou shields de armes, p<sup>r</sup> difference, come mesme le authour report. Al darraine, in temps del Roy Edward le iij. sigils fueront mult common, issint que non solemēt tiels, que portant armes vse de sigiller, mes auter homes auxy fesoient al eux mesmes Signets de leur deuises demesme, ascū prēdrants les letters de leur noīmes demesme, ascuns flowers, ascun knottes, & flourishes, ascuns oyseaux ou beastes, & ascuns auters choses, come nous ore vnc<sup>r</sup> iournalement veiomus en vse.

Ascuns auters maners de sigillation ouster ceux ad estre oye enter nous come nosment ceo del Roy Edward le iij, per que

## The Exposition of

il done al Norman le hunter : Le hop & le hopuille, oue toutes les bounds vp-side down, & en tesmoign que il soit veray, il morde le cere oue son forge dent.

Le semblables de cest fuit m̄c a moy per vn de mes amies en vn lose chart mes non mult auncientm̄t escript, pur ceo il voile moy q̄ ieo esteema de ceo come ieo pense b̄n : Il fuit come ensuist.

Ieo Guilliã king, done a vous Powlen Royden, ma hop & ma hop terres, oue tous le boundes vp & downe, de celo al terre, de terre ad infernũ, pur toy & vestres a demurrer, de moy & mes, al toy & vestres, pur vn arcke & vn brode sagit, quãt ieo veign pur hunter sur Yarrow. In testimoigne que ceo est veray, ieo morde cest cere oue mon dent, in presence de Magge, Maude, & Margerie, & mont tierce fittes Henrie.

Item ceo de Alberic de Veer, conteignant le donation de Hatfield, al quel il fixẽ vn curt noyer hast

hee gaue to Norman the hunter : The hop and the hop towne, with all the boundes vp-side downe, and in witness þ̄ it was sooth, hee bit the wax with his foze tooth.

The like to this was shewed to me by one of my friends in a loose paper, but not very aunciently wrytten, and therefore he willed me to esteeme of it as I thought good : It was as folloiweth.

I William king, giue to thee Powlen Royden, my hop and my hoplands, with all the boundes vp & downe, from heauen to earth, frõ earth to hell, for thee and thine to dwell, from me and mine, to thee & thine, for a Bowe and a broad arrow, whẽ I come to hit vpon Parrow. In witness that this is sooth, I bite this wax with my tooth, in the presence of Magge, Maude, & Margery, and my third Sonne Henrie.

Also that of Alberic de Veer, containing the donation of Hatfield, to the which hee affixed a short blacke

blacke hasted knife, like unto an olde halfpennie whittle, in steede of a seale with diuers such like.

But some peraduenture will thinke that these were receiued in common vse & custome, and that they were not rather the deuises and pleasures of a fewe singular persons, such as are notable deceiued, then they that deeme euery Charter and writing that hath no seale annexed, to be as ancient as the Conquest, whereas indeede sealing was not commonly vsed, till the time of king Edward the third, as hath bin already said.

The third point is deliuerie, which although it be set last, is not the least, for after that a deede is written and sealed, if it bee not deliuered, all the rest is to no purpose.

And this deliuerie ought to be done by the party himselfe, or his sufficient warrant, and so it shall bind him, whosoever wrote or sealed the same, and by this last act the deede is made perfect, according to

cuttel, semblable al vn vieux demy denier whittle, en steede de vn seale, ou diuers tielx semblables.

Mes ascun peraduenture voient pense q̄ ceux fueront receiue en common vse & custome, & que ils ne fueront les deuises & pleasures dun peu singular persons, tiels quels ne sont meines deceiue, q̄ ils que pensont chescun charter & escript que ne ad sigille annex, deste cy auient come le Conquest, lou en verity sigillation ne fuit communement vse rāque al temps del Roy Edward le tierce, come ad este dit.

Le tierce point est deliuerie, quel nient obstant il soit mis darreine, nest le meanest, car apres que vn fait soit escript & sigil, si ne soit deliuer, tout le residue est a nul purpose.

Et cest deliuerie doyt estre fait per le party luy mesme, ou son sufficient garrant, & issint il luy liera quecunque escript ou sigil ceo, & per cest darreine acte, le faire est fait perfect, accordant al

Nij entent

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intent & effect de ceo, & pur ceo en faitz le deliuerie est destre proué, &c.

Il sint poyez veyer que escripture & sigillatiō sanz deliuerie est a nul purpose: Que sigillation & deliuerie lou nest aucun escripture, worke nul chose: Ne escripture & deliuerie sanz sigillatiō auxy fait nul fait. Et pur ceo ils tous doient ioyntment concurre pur faire vn perfect fait, come est auant dit.

### 222 *Farme ou Ferme.*

**F**arme ou Ferme est specialment le chiefe messuage en vn village ou towne, a que appertinent graund demeans de tous sortes, & ad este vse destre lesse pur terme de vie, ans, ou a volunt.

Item le rent que est reserue sur tiel lease ou semblable, est appellee farme ou ferme.

Et farmor ou fermor, est celuy que occupia le farme ou ferme, ou est lessee de ceo.

**Auxy generalment chescū**

the intent and effect thereof, and therefore in Deeds the deliuerie is to be proued, &c.

So thus you see that writing and sealing without deliuerie is nothing to purpose: That sealing & deliuerie where there is no writing worketh nothing: No writing and deliuerie without sealing also make no deed. And therefore they all ought ioyntly to concurre to make a perfect deed, as is before said.

### *Farme or Ferme.*

**F**arme or Ferme is specially the chiefe messuage in a Village or Towne, whereto belongeth great demaunes at all times, and hath bin vsed to be let for terme of life, yeares, or at will.

Also the rent that is reserued vpon such a lease or the like, is called farme or ferme.

And farmor or fermor, is hee that occupieth the farme or ferme, or is lessee thereof.

Also generallic euery lessee

lessee for life, yeares, or at will, although it bee of neuer so small a cottage, or house, is called farmor, or fermor.

And note, that they are called farmes, or fermes, of the Saxon word Feormion, which signifieth to feed, or peeld victuall. For in the auncient time, their reseruations were as well (or for the most part) in victualls as money, vntill at the last, and that chiefly in the time of R. H. 1. (by agreement) the reseruatiō of victualls, was turned into ready money, and so hitherto hath continued amongst most men.

lessee pur vie, ans, ou al volunt, nient obstant il soyt dun petit cottage, ou mess, est appel farmor, ou fermor.

Et nota, q'ils sont appels farmes, ou fermes, del Saxon paroll, Feormian, que signifie pur feed, ou render victuall. Car en auncient temps, leur reseruatiōs fueront cybien (ou pur le plus part) en victuall cōe argent, tanque al darreine, & ceo principalment en le tēps del Roy H. 1. (per agreement) le reseruatiō de victualls, suit conuert en ready argent, & issint vncore ad continue en plusours homes.

223 Faux imprisonment.

Faux imprisonment, is a wrytt, and it lieth where a mā is arrested & restrained fro his libertie by another, against the order of the law, then he shall haue againt him this Writte, whereby hee shall recouer damages. Look more thereof befoze in the title Arrest.

Faux imprisonment.

Faux imprisonment, est vn b're, & gist lou home est arrest & restraine de son libertie p vn autre, en cōu'ter order de ley, donques il auera vers luy cest briete p que il recouera damages. Vide plus de ceo deuant titulo Arrest.

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### 224 *Faux Iudgement.*

**F**Aux iudgement vide de  
ceo deuant titulo error.

### 225 *Fee ferme.*

**F**Ee ferme, est quauant vn  
tenant tient de son leig-  
nior en-fee simple rendant  
a luy le value del moiry ou  
de tierce part ou quart part  
ou de auter parte del terre,  
per an: & que tient en fee  
ferme ne doit payer re-  
liefe ou faire auter chose,  
mes sicome est contene  
en le feoffement forsq; fe-  
altie, car ceo appēt a tous  
mans tenures.

### 226 *Fee simple.*

**F**Ee simple est quant as-  
cun person tient terre  
ou rent ou auter chose  
inheritable a luy & a ses  
heires a tous iours, ceux  
parols ses heires font le-  
state denheritance, car si  
terre soyt done a home a  
touts iours, vncore il  
nad forsque estate pour  
terme de vie. Auxy si te-  
naunt en fee simple deuie,  
son primer fittes serra son  
heire, mes sil nad firs, don-  
ques tous les files q'il ad  
serront son heire, & ches-  
cun auera son parte p par-  
tition, mes sil nad firs ne

### Faux iudgement.

**F**Aux iudgemēt, look there  
foze befoze in þ title error.

### Fee farme.

**F**Ee farme, is when a te-  
nant holdeth of his lord  
in fee simple, paying to him  
the value of halfe, or of the  
3. part, or of the 4. part, or  
of other part of the lande,  
by the yere. And hee þ hol-  
deth by fee ferme, ought  
not to pay reliefe or do any  
other thing then is contai-  
ned in the feoffemēt but fe-  
altie, for that belongeth to  
all kind of tenures.

### Fee simple.

**F**Ee simple, is when any  
person holdeth lands or  
rent, or other thing inhe-  
ritable to him and to his  
heirs for evermore, & these  
wordes his heirs make the  
estate of inheritance, for if  
land be giuen to a man for  
ever, yet hee hath but an e-  
state for terme of life. Als  
so if the tenāt in fee simple  
die, his first sonne shall bee  
his heire, but if he haue no  
son, the all his daughters  
that he hath shall bee his  
heires, and every one shall  
haue her part by partition,  
but if hee haue no son nor  
daugh-



daughter, the his next co-  
On collaterall of the whole  
blood shalbe his heire.

227 Feoffment.

**F**Eoffmēt, is where a mā  
giveth lands, houses, or  
other corporall thinges  
which be hereditable to an  
other in fee simple, & ther-  
of deliuereth liuery & seisin  
& possessiō þ is a feoffmēt.  
Also if one make a gift in  
þ taile, or a lease for terme  
of life, or of another mans  
life, it behoueth also to giue  
liuery & seisin, or els no-  
thing shall passe by þ grāt.

228 Feoffor and Feoffee.

**F**Eoffor, is he that infeoffeth  
or maketh a feoffmēt to  
another of lands, or tene-  
ments in fee simple. And  
Feoffee is he who is infef-  
fed, or to whome the feoffe-  
ment is so made.

229 Fealty.

**F**Ealty, is a seruice called  
in latin Fidelitas, & shall  
be done in such maner, that  
is to say, the tenant shall  
hold his right hand vpon  
a booke, & shall say to his  
lord, I shalbe to you faith-  
full & true, & shall beare to  
you faith for þ lands & te-  
nements, which I claime

file, donques son pcheine  
cosin collateral de lentire  
sank serra son heire.

*Feoffment.*

**F**Eoffment, est lou vn don  
terre ou tiel cho'e cor-  
porall hereditable a vn au-  
ter in fee simple, & de ceo  
deliuer seisin & possession,  
ceo est vn feoffment,  
Auxy si vn fait done in le  
taile, ou leas pur terme de  
vie, ou pur terme d'auter  
vie, il couient auxy de  
done liuery & seisin, ou au-  
terment riens passera per  
le graunt.

*Feoffor & Feoffes.*

**F**Eoffor, est celuy que en-  
feoffe, ou fait feoffment  
al autre de terres ou tene-  
ments en fee simple. Et Feof-  
fee est celuy q' ē enfeoffe,  
ou a q' le feoffment est issint  
fait.

*Fealty.*

**F**Ealty, ē vn seruice appel-  
en latin Fidelitas, & serf  
fait in tiel man' cestasca-  
uoir le tenant tiendra sa  
mayne dext' sur vn liū, &  
dira a son seigniour. Ieo a  
vous serra foyall & loyal,  
& foy vous portera des te-  
nements, que ieo clayme  
de

## The Exposition of

de tener lde vous, & loy al  
vous ferra les customes &  
seruices que fair vous doy  
al termes assignes, sicome  
moy eide Dieu, Et basera  
le liuer: Mes il ne genule  
come en fasant homage. Et  
de ceo vide apres en le ti-  
tle Homage. Auxy Fealtie  
est incident a tous maners  
tenures.

230b Felonie.

**F**ELONIE, est vn generall  
terme, q̄ comprehend  
diuers haynous offences,  
pur que le offeudors doyēt  
suffer mort, & perdre lour  
terres: Et semble que eūx  
sont appellees Felonies, del  
Latine parol Fel, que ē An-  
glois Gall, en Francoys  
Fiel: ou del auintient pa-  
rol Anglois Fel, ou Fierce;  
ou pur ceo que sont entēde  
deste faits telleo animo,  
with Bitter, Fell, Fierce, ou  
mischieuous mind. Et  
ascun de ceux sont, quant  
homē sauns ascun co-  
lour de ley, emblea les  
byens dun auter amoun-  
taunt al value de xij. d.  
ou plus, ceo est Larcenie:  
Mes si vn approcha a le  
person dun aut en le hault

to hold of you, and truely  
shal doto you the customs  
& seruices that I ought to  
do to you at the termes as-  
signed, so helpe mee God,  
And shall kisse the booke:  
but he shal not kneel as in  
doing homage. And therof  
looke after in the title Ho-  
mage. Also fealty is inci-  
dent to all maner tenures.

Felony.

**F**ELONY, is a generall  
terme, which comprehē-  
deth diuers haynous of-  
fences, for which the offe-  
dors ought to suffer death,  
& loose their lands: And it  
seemeth that they are cal-  
led Felonies of the Latini  
word Fel, which is in En-  
glish Gall, in French Fiel:  
or of the auintient English  
word, fell, or fierce, or be-  
cause that they are intē-  
ded to be done with a cru-  
ell, bitter, fel, fierce, or mis-  
chieuous mind. And some  
of them are, when a man  
without any colour of law  
stealeth the goods of an  
other amounting to ̄ ba-  
lue of xii. pence, or more;  
that is Larcenie: But if  
any approacheth the per-  
son of another in the high  
way

way, and robbeth him of his goods, although it be to the value but of one penny, it is felony, & that is called robbery, and therefore he shall be hanged.

231 *Fieri facias.*

*Fieri facias*, is a writ judicial, and it lieth wher a man recouereth debt or damages in the Kinges Court, then he shall haue this writ to the shirife, commanding him that he leuie the debt and damages of the goods of him against whom the recouery is had, and it lieth alwayes within a yere & a day, & after the yere he must sue a *Scire facias*, & if he be warned, & doth not come at the day &c. or if he come, & can say nothing, then he which recouereth shall haue a writ of *Fieri facias* directed to the shirife, that hee make him haue executiō of iudgmēt.

But if a man recouer against a woman, & she take a husband within the yere & the day, then he that shall recouer must haue a *Scire facias* against the husband.

So it is if an Abbot or Prior recouer & dieth, his

chimin, & luy robba des les byens, mesque ils ne sont forsque al value de vn denier, il est felonie, & ceo est appell' robbery, & pur ceo il ierra pendu.

*Fieri facias.*

*Fieri facias* est vn briefe judicial, & gist l'ou home recouera debt ou damages en Court le Roy, donques il auera cest briefe al vicount luy commandant que il leuie le debt & les damages des biens celuy vers que le recouerie est eue, & gist toutes foies deins lan & iour, & apres lan luy couient de s'uer vn *Scire facias*, & si soit garnie, & ne vient al iour &c. ou si vient, & ne scauoit rien dire, donques celuy que recouera auera briefe de *Fieri facias* direct al vicont que il face luy auer execution de iudgement.

Mes si home recouera vers vn feme, & el prist baron deins lan & le iour, donques il couient q' cesty que recouera auera *Scire facias* vers le baron.

Auxy est si Abbot ou Prior recouer & deuie, son succellor

# The Exposition of

successor deins lan auera  
Scire facias. Vide de ceo  
plus en la tute Scirefacias,  
& title Execution.

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*Fine.*

**F**ine ascun foirs est prise  
pur vn somme dargent  
quel ascun est de praver al  
Roy pur ascun cōtempt ou  
offence cōmit p luy : quel  
fine, chescun que commit  
ascun trespas, ou q̄ est con-  
uict, que il fausement deny  
son fait, ou fesoit ascun  
chose en contēpt del Roy  
payera al Roy, quel est ap-  
pell' Fine al Roy. Ascun  
foirs Fine est prise pur vn  
finall concorde, quel est  
ewe enter ascuns persons  
touchant ascun terre, ou  
rent, ou auter chose, dont  
ascun suit, ou brieve est en-  
ter eux pendant en ascun  
court, quel poit este en di-  
uers maners. Lun est quant  
lū partie reconust ceo este  
le droit del auter, come  
ceo q̄ il ent del done cestuy  
que fesoit le reconusans,  
quel tous foites suppose  
vn seoffement precedent,  
& est dit Fine execute, ou  
si il reconust ceo destre le  
droit del auter, omittant  
les parols ( come ceo que

successor within the yeare  
shall haue a Scire facias.  
See therof moze in h̄ title  
Scire fac. & title Execution.

*Fine.*

**F**ine sometimes is takē for  
a summe of mony which  
one is to pay to the King  
for any contēpt or offence  
done by him: which fine  
euery one that committeth  
any trespas, or he h̄ is con-  
uicted, h̄ he falsely denieth  
his owne deede, or did any  
thing in contempt of law,  
shal pay to the King: which  
is called fine to the King.  
Somtime a fine is taken  
for a final agreemēt which  
is had betwen any persons  
cōcerning any land or rēt,  
or other thing wherof any  
suit or writ is betwen thē  
hāging in any court, which  
may be diuers waies. One  
is whē one party reknow-  
ledgeth h̄ to be the right of  
the other, as that h̄ he hath  
of the gift of him h̄ made  
the recognisāce, which al-  
waies supposeth a seoffe-  
mēt going befoze, & is cal-  
led a fine executed: or if he  
acknowledgeth h̄ to be the  
right of an other, omitting  
these words (cōc ceo que

il eit de son done) which being a fine by acknowledgment of right only, if it be leued to him which hath the freehold of the land is a fine upon a release. And if he that acknowledged it, is seised, and hee to whom it is leued hath not the freehold of the land, then it is called a fine executory, which he to whom the land is acknowledged may execute by Entre or Scire fac.

And sometime such a fine sur conuſas d' droit only is to make a surrender: Therin is rehearsed that the reconusor hath an estate for life, & the other a reuerſion.

And sometime it is takē to passe a reuerſion, where a particuler estate is recited to be in another, & that the reconusor wil that the other shal haue the reuerſion, or the land shal remaine to another, after the particuler estate spent.

And sometime he to whom the right is acknowledged, as that he hath of the gift of the reconusor, shall recite the land, or a reuerſion therof to the reconusor. And that sometime for the whole

il eit de son done) q̄l esteant fine sur conuſans de droit tantum, si soit leuee a cestuy que eit la franktenement del terre est Fine sur releafe. Et si cestuy que ceo conuſt est seise, & celui a que est leuee neit le franktenement del terre, donques est dit fine executorie, quel cestuy a que le terre est conus poit executer per Entre ou p Scire facias.

Et ascun foits tiel fine sur conuſance de droit tantum est pur faire vn surrender, lou en ceo est repeat, que le reconusor eit estate pur vie, & l'auter en reuerſion.

Et ascun foits ceo est ew de passer vn reuerſion, lou particuler estate est recite desle en auter, & que le reconusor voit que le auter auera le reuerſion, ou que le terre remaine al auter apres le particuler estate finie.

Et ascun foits celui a q̄ le droit est conus, come ceo que il ad del done le reconusor, rēdra le terre, ou vn rē hors de ceo al conusor. Et ceo ascun foits p l'entier fee.

## The Exposition of

fec. Aſcun fois pur vn particulier eſtate, oué remainder ou remainders ouſter. Et aſcun fois oue reſeruatiſon del reſts oue diſtreſſe & graunt de ceo ouſter per meſme fine.

Et eſt appell fine, quia per ceo le ſuit eſt determine, & ſi ceo ſoit recorde oue proclamation ſolouque le ſtatute 4. H. 7. ceo barre eſtrangers.

ſee : Sometime for one particular eſtate, with remainder or remainders ouer : And ſometime with reſeruatiſon of reſts with diſtreſſe and graunt thereof ouer by the ſaid fine.

And it is called a fine becauſe thereby the ſuite is ended, & if it bee recorded with proclamation according to the ſtatute 4. H. 7. it barreth ſtrangers.

### 233 Fireboote.

**F**ireboote, eſt neceſſarie boys pur arder, quel per le common ley, leſſee pur ans, ou pur vie, poit prender en ſon terre, nient obſtant il ne ſoit expreſſe en ſon leaſe : & nient obſtant il ſoit vn leaſe per parol tantum tauns fait : Mes ſil priſt plus que beſoigne, il ſerra punie en waſt.

### Fireboote.

**F**ireboote, is neceſſarie wood to burne, which by the common law, leſſee for yeares, or for life, may take in his ground, although it be not expreſſed in his leaſe : and although it be a leaſe by word onely without writing : But if he take more then is needfull, hee ſhall be puniſhed in waſt.

### 234 Fledwite.

**F**ledwite, hoc eſt quietuſſe de amerciamentis, cum quis vilagatus fugitiuus veniat ad pacem domini Regis ſponte, vel licentiatus,

### Fledwite.

**F**ledwite, that is to bee quite from amercemēts, when an outlawed fugitive cometh to the kinges peace of his owne will, or being licenced.

Flemes-

235 Fletmeswite.

Fletmeswite, that is, that you may haue the cattel, or amerciamentis of your man or fugitive.

236 Fletwit.

Fletwit, or (Flitwit) that is to bee quit from contention and conuicts, and that you may haue plee thereof in your court, and the amerciamentis, for (Flit) in English, is Tenson in French.

237 Forrest.

Forrest, is a place proutledged by a royal authority, or by prescription, for the peaceable abiding and nourishment of the beastes or birds of the forrest, for disport of the king: For which there haue bene in in auintient time certaine peculier officers, lawes, & orders, part of which appeare in the great Charter of the Forrest.

238 Foriudger.

Foriudger is a iudgemēt giuen in a writ of Mesne brought by a tenaunt against the mesne Lord, which should acquite the tenaunt of seruices de-

Fletmeswite.

Fletmeswite, hoc est, quod habeatis catalla, siue amerciamenta hominis vestri fugitivi.

Fletwit.

Fletwit, ou (Flitwit) hoc est quietum esse de contentione & conuictis, & quod habeatis placitum inde in Curia vestra, & amerciament, quia (Flit) Anglice, & Tensone Gallice.

Forrest.

Forrest, est vn lieu proutledged per auctoritatem royal, ou per prescription, pour le peaceable abode & nourishment del beastes ou oyseaus del forrest, pour le disport del Roy: Pour queux ont este en auintient tēps certaine peculier officers, leyes, & orders, part de queux appearont en le grand Charter de le Forrest.

Foriudger.

Foriudger est vn iudgement done en vn briefe de Mesne port per vn tenant enuers le Mesne Seigneur que doit acquiter le tenaunt des seruices demandes



## The Exposition of

mandes per le Seignieur paramount de que le tene-  
ment est tenuz, & le mesme  
ne voille appare, donques  
iudgement serra done que  
le mesme Seignieur per-  
dra son seignorie, & que  
le tenant dillonques tien-  
dra del Seignieur para-  
mount per tielz seruices  
come le mesme tenoit de-  
uant, & serroit discharge  
del seruices queux il ren-  
doit al mesme per le statute  
de Westminster 2. Cap. 9.  
& ceo est appelle vn for-  
iudger.

Et auxy si vn Attorney  
ou autre Officer en alcun  
Court soit ouste & prohi-  
bite de vser ceo, il est dit  
destre foriudger le court.

239 *Formedone.*

**F**ORMEDONE, est vn briefe  
& gist lou tenant en le  
taile infeoffa vn estraunge,  
ou est disseise, & deuie, le  
heire auera bre de Forme-  
done pur recouer le terre.  
Mes sont troies briefes de  
Formedones, Vn est en  
le discender & ceo est en  
le case auantdir, Auxy si  
vn done terre en le taile,  
& pur default de issue le

maunded by the Lord as  
boue of whome the tene-  
ment is holden, & the mes-  
me will not appare, then  
iudgement shall bee giuen  
that the mesme Lord shall  
loose his seignorie, & that  
the tenant fro thenceforth  
shall holde of the Lord as  
boue by such suites as the  
mesme helde before, and  
shall bee discharged of the  
seruices which hee peelded  
to the mesme by the statute  
of West. 2. c. 9. and that is  
called a foreiudger.

And also if an attorney  
or other Officer in any  
Court be put out and for-  
bidden to vse the same, hee  
is said to be foreiudged the  
Court.

Formedon.

**F**ORMEDON, is a Writ,  
and lyeth where tenant  
in the taile infeoffeth an e-  
straunger, or is disseised, &  
dyeth, the heire shall haue  
a writ of Formedon to re-  
couer the land. But there  
be thre maner of Forme-  
dons. One is in the dis-  
cender, and that is in the  
case before said. Also if  
one giue lands in the taile,  
and for default of issue the

re:

remainder to another in the taile, and that for default of such issue the land shall reuert to the donour, if the first tenant in taile die without issue, he in the remainder shall haue a forme don in the remainder: But if the tenant in the taile die without issue, and hee in the remainder also die without issue, then the donour or his heires shall haue a forme don in the reuert.

remainder a vn auter en le taile, & que pur default de tiel issue la terre reuertera al donour, si le premier tenant en le taile deuie sans issue, cestuy en le remainder auera vn briefe de Formedone en le remainder: Mes si le tenant en le taile deuie sans issue, & cestuy en le remainder auxy deuy sans issue, donques le donour ou ses heires auera vn Formedone en le reuert.

240 Forfall.

Forfall, that is to bee quite of amerciamentes and cattels arrested with in pour land, and the amerciamentes therof coming.

Forfall.

Forfall, hoc est quietum esse de amerciamentis & cattallis arrestatis infra terram vestram, & amerciamenta inde prouenientia.

241 Forefaller.

Forefaller, is hee that buyeth corne, cattell, or other marchandise whatsoeuer is saleable by the way as it cometh to markets, faires, or such like places to be sold, to the intent that he may sell the same againe at a more high and deere price, in prejudice and hurt of the com-

Forefaller.

Forefaller est celuy que achate blees, auers, ou auter marchandize que cunq; est vendible, per le chemin quant il vient al markets, faires, ou tiels semble lieux delle vende, al intent que il poit vender ceo auter foies al vn plus hault & chare price, en prejudice & damage de le com-

O

mon

## The Exposition of

mon weale & people &c.

Le penaltie pur ceuz queux sont conuict de ceo, est le primer temps imprisonment pur deux mois, & perde de le value del chose vende.

Le second temps, imprisonment per le space de demy an, & perdra le double value des byens &c.

Le iij. temps, imprisonment durant le pleasure le Roy, & iudgement del pillorie, & forfeitera toutes ses biens & chattels. Vide le Statute 5. Edward 6. capit. 14.

mon wealth & people &c.

The paine for such as are convicted thereof, is for the first time imprisonment for two monthes, and losse of the value of the thing sold.

The second time, imprisonment by the space of halfe a yere, and shall lose the double value of the goods &c.

The third time imprisonment during the Kings pleasure, and iudgement of the pillorie, and shall forfeit all his goods and chattels. See the Statute 5. Ed. 6. cap. 14.

242

*Fourcher.*

**F**ourcher est vn deuise use a delayer le plaintife ou demandant en vn suit enuers deux, queux a ceo ne sont de responder tant que ils ambideux appeare, & le apparance ou essoine dun de eux voyle excuser le default del auter a cel iour, & eux agreea que lun deux solement serra essoine ou apperera al vn iour, & pur fault del apparance del auter auoit iour ouster de appearer, & le

*Fourcher.*

**F**ourcher, is a deuise used to delay the plaintife or demandant in a suite against two, which thereto are not to answer till they both appeare, and the apparance or essoine of one will excuse the others default at that day, and they agree that the one shall be essoined or appeare one day, and for lacke of the appareance of the other, haue daie over to appeare, and the other

other partie shall haue the same day, and at that day the other will appeare, or be essoined, and he that appeared or was essoined before, will not then appeare because hee hopeth to haue another day by *h* adiournment of the partie which then appeared, this is called *f*ourcher, and in some cases the mischief therby is remedied by the Statute of Gloucester ca. 10. and West. 1. ca. 41. which bee in the collection of Statutes in the title *E*ssoin the 4. & 7

autre party auera m le iour & a ceo iour laui voyle appearer ou estre essoin & ces luy q deuant appieroit ou fuit essoine ne voile donqs apper, pur ceo que il esperoit dau au iour p le adiournement del partie que donques appiert ou est essoine, ceo est appel *F*ourcher, & en ascuns cases le mischief per ceo est remedie per le stat. de Gloucester ca. 10. & West. 1. ca. 41. q sont en le collection des statutes title *E*ssoin 4. & 7.

243 *Franches Royall.*

*FR*anches royall, is where the King grants to one or his heirs, that they shall be quit of toll, or such like.

*Franches Royall.*

*FR*anches Royall, est lou le Roy graunt al vn & a ses hirs q ils serront quit de tolner, vel huiusmodi.

244 *Free almes.*

*FR*ee almes, is where in auncient times landes were given to an Abbot and his Couent, or to a Deane and his Chapter, and to their successors, in pure and perpetual almes, without expresse any service certayne, this is *frankalmoigne*, and such are bound before God

*Frankalmoigne.*

*FR*ankalmoigne, est lou en auncient temps terres fueront dones a vn Abbot & son Couent, ou a vn Dean & le Chapter, & a leur successors en pure & perpetuall almoigne sauns expresse aucun service certeyne, ceo est *Frankalmoigne*, & ils sont tenus deuant dieu

O ij.

de

# The Exposition of

de faire orisons & prayers  
pur le donour & ses heys,  
& pui ceo ils ne ferront fe-  
alty, & firiels que ont tress  
in frankalmoigne ne font  
ascun prayers ne diuine  
seruice pur les alms le do-  
nour, ils ne ferront per les  
donours a ceo compelles,  
mes pur ceo ils poyent co-  
playne al Ordinarie, loy  
praying que tiel negligēce  
ne soyt pluis auant, & Lors  
dinary de droyt ceo doit  
faïr.

Mes si vn Abbe &c. ry-  
ent terres de son Seigni-  
our pur certain diuine ser-  
uice de estre fait, come, de  
chaunter chescun vnder-  
die vn Masse, ou de fair au-  
chose certain, si tiel diuine  
seruice ne soit fait le Sñr  
poit distrayn, & en tiel case  
Labbe doit faire a le Sñr,  
fealty, & pur ceo il nest p  
dit tenure in frankalmoigh  
mes tenure per diuine ser-  
uice, car nul poit tener in  
frankalmoigh, si soit expse  
ascun certain seruice.

245 Franke fee.

**T**ener en Franke fee,  
est a tener en fee sim-

to make Orisons & pray-  
ers for the donour & his  
heires, & for that they doe  
no fealty, and if such that  
haue landes in Frankal-  
moigne doe make no pray-  
er nor diuine seruice for  
the soules of the donours,  
they shal not be compelled  
by the donours to do it, but  
for that they may cōplaine  
to the Ordinary, praying  
him that such negligence  
be no more after, & the Or-  
dinary of right ought to  
do it.

But if an Abbot &c. hol-  
deth landes of his Lord for  
certain diuine seruice to  
be done, as to sing euertie  
Friday a Masse, or doe  
some other thing, if such  
diuine seruice be not done,  
the Lord may distraine, &  
in such a case the Abbot  
ought to doe fealty to the  
Lord, and therefore it is  
not said tenure in frankal-  
moigne, but tenure by di-  
uine seruice, for none can  
hold by franke almoigne,  
if any certain seruice be  
expressed.

Franke fee.

**T**o holde in Franke fee,  
is to holde in fee sim-  
ple

ple lands pleadable at the common law, & not in ancient demesne.

246 Free marriage.

**F**ree marriage, is when a man seised of landes in fee simple, giueth it to another man, and to his wife, (who is the daughter, sister, or otherwise of kinne to the donor) in free marriage, by vertue of which swords they haue an estate in speciall taile, and shall hold the land of the donor quit of all maner of seruices, vntill the 4. degree be past, accounting thiseiues in the first degree, except fealtie, which they shall do because it is incident to all tenures, saving free alms. And such gift may be made as well after marriage solemnized as before. And a man may giue lands to his son in free marriage, as well as to his daughter, by the opinion of Master Fitzherbert in his *W<sup>o</sup> of Champertie* 9.

But it appeareth otherwise in Master Littleton, and in M. Brooke titulo Frankmarriage plac. 10.

ple ires pleadable a la common ley, & nient en auintient demesne.

*Frankmarriage.*

**F**rankmarriage est quant vn home seisie de terres en fee simple done ceo al autre home & a sa feme q est fille, soer ou autrement de kin al donor, en frankmarriage, per vertue de quux parolx ils ont vn estate en speciall taile, & tiendra le terre del donor quite de tous manners de seruices tanq le quart degree soyt passe, accountants eux mesmes en le primer degree, sinon fealtie, queux ils fieront, pur ceo quel est incident a tous tenures forsque frankalmoigne. Et tiel doe poit estre fait cy bien apres mariage solemnize, come deuant. Et home poit doner terres a son fils en frankmarriage, cy bien come a sa fille, per le opinion de M. Fitzh. en son b<sup>r</sup> de Champertie H.

Mes il appiert autrement en Master Littleton, & en Master Brooke titulo Frankmarriage pla. 10

The Exposition of

Et issint il suit tenuz clere  
en Grayes Inne in Lent,  
Ann 1576. 18. El. ple wor-  
shiptull M. Rhodes donqs  
lector la.

247 Franktenement.

FRanktenement, est vn es-  
state q home ad en fies  
ou tenements, ou profit a p-  
der en fee simple, taile, pur  
terme de son vie demaine,  
ou pur terme d'auter vie,  
en dower, ou per le curtesie  
Dengleterre. Et south ceo il  
ne est franktenement, car  
il que ad estate pur ans, ou  
tient a volunt, nad ascun  
franktenement, mes ils sont  
appel chattels.

Et de franktenement il y  
ad deux sorts, cestaleauoir,  
franktenement en fait, &  
franktenement en ley.

Franktenement en fait, est  
quant vn home ad entred  
en terres ou tenements, &  
est seisie de ceo realment, ac-  
tualment, & en fait. Sicome  
le pere seisie de terres ou  
tenements en fee simple des  
vie, & son firs enter en eux  
come hfe a son pe, donqs  
il ad vn franktenement en  
fait per son entry.

Franktenement en ley, est

And so it was holdē clere.  
in Graies Inne in Lent,  
Anno 1576. 18. Est. by the  
worshipful M. Rhodes the  
reader there.

Freehold.

FREEholde, is an Estate  
that a man hath in lands  
or tenements, or profit to  
be taken in fee simple, taile,  
for terme of his owne life,  
or for terme of anothers  
life, in dower, or by the cur-  
tesie of England. And  
vnder that there is no free  
hold, for he that hath estate  
for yeares, or holdeth at  
will, hath no freeholde,  
but they are called chat-  
tels.

And of freeholds there  
are two sorts, that is to  
say, Freehold in deed, and  
Freehold in law.

Freeholde in deede, is  
when a mā hath entred in-  
to lands or tenements, &  
is seised thereof really, ac-  
tually, & in deed: As if the  
father seised of lands or te-  
nements in fee simple de-  
eth, & his son entred into  
the same as heire to his fa-  
ther, then hee hath a free-  
hold in deed by his entry.

Freeholde in Lawe, is  
when



when lands or tenements are descended to a man, & he may enter into them when he will, but hath not yet made his entry indeed, as in the case aforesaid, if the father being seised of lands in fee simple die seised, & they descend to his sonne, but the sonne hath not yet entred into them indeed, now before his entrie hee hath a freehold in law.

248

*Freshsuit.*

**F**reshsuit, is when a man is robbed, and the party so robbed, followeth & felon immediately, & taketh him with the manner, or otherwise, and then bringeth an appeale against him, & doth conuince him of the felony by verdict, which thing being inquired of for the King and found, the partie robbed shall haue restitution of his goods againe.

Also it may be said, that the party made freshsuit, although hee take not the cheefe presently, but that it bee halfe a yeare, or a yeere after the robberye done, before hee be taken,

quant terres ou tenements sont descendus al vn home, & il poit ent en eux quant a luy pleist, mes nad vncore fait son entrie en fait, come en le case auant dit, si le peere esteant seisie de terre en fee simple deuie seisie, & ils descend a son firs, mes le firs nad vncore enter en fait en eux, ore deuant son entrie il ad vn franktenement en ley.

*Freshsuit.*

**F**reshsuit, est quant vn home est robbe, & le Party issint robbe, pursua le felon immediatement, & luy prist ou le manner, ou autrement, & donques poit vn appeal enuers luy, & luy conuince del felony per verdict. le quel chose esteant enquire pur le Roy & troue, le partie robbe auera restitution de ses biens arriere.

Item il poit este dit, que le partie fait Freshsuite, nient obstant q il ne prist le felon presentment, mes que il soit demy an ou vn an apres le robberye fait deuant que il soit prise,

# The Exposition of

si soit issint que le partie  
robbe fait tant que en luy  
est, p diligent enquirie &  
serch de luy prender, nient  
obstant q'il est prise per vn  
auter home, vncore ceo  
serra dit bone freshuit.

Et issint freshuit est  
quant le Seignour vient  
pur distreiner pur rent ou  
seruice, & le owner dez  
beastes fait rescous, & en-  
chase eux en auters terre  
que nest tenus del Seigni-  
our, & le Seignour ensue  
presentment, & reprist eux,  
cest appel freshuit. Et il-  
lunt en auter semblables  
cases.

if so bee that the partie  
robbed doe what lyeth in  
him, by diligent inquirie &  
search to take him, yea al-  
though he be take by some  
other body, yet this shalbe  
said fresh suit.

And so frash suit is whē  
the Lord cometh to di-  
straine for rent or seruice,  
& the owner of the beasts  
doth make rescous, and  
driveth thē into anothers  
ground that is not holden  
of the Lord, and the Lord  
followeth presently & ta-  
keth them, this is called  
fresh suit. And so in other  
like cases.

G.

349 *Gager de deliuerance.*

**G**Ager de deliuerance  
est, lon vn sia Reple-  
uiu de biens prise, mes il  
nad deliuerie des biens, &  
l'auter auowa, & le plain-  
tife monstra que le defen-  
daunt est vncore possesse  
des biens &c., & pria  
que le defendant gagera  
deliuerance, donques il  
mittera eins suertie ou  
pledge pur le redeliue-

G.

*Gager de deliuerance.*

**G**Ager de deliuerance, is  
where one such a re-  
pleuin of goodes taken,  
but he hath not the deliue-  
rie of the goodes, and the  
other auoweth, and the  
plaintife sheweth that the  
defendant is yet possessed  
of the goodes &c. and pray-  
eth that the defendaunt  
may gage the deliuerance,  
then he shall put in suertie  
or pledges for the deliue-  
rance,

raice, & a writt shall go forth to the Shyriſſe for to redeliuer the goods &c. But if a man claime property, hee shall not gage. deliuerace.

And if he say that the beaſts be dead in ſ pound, he shall not gage &c.

Also a man shall neuer gage the deliuerance befoze that they be at iſſue, or demurrer in the law, as it is ſaid.

rance, & vn briefe iſſera a Vicont pur redeliuerer les biens, &c. Mes ſi home claime proprietie, il ne gagera deliuerance.

Auxy ſil dit que les auers ſont morts en le pound, il ne gagera &c.

Auxy home ne gagera iammais le deliuerance auant que ils ſoyent a iſſue, ou demurrer en ley, vt dicatur.

250 *Garrantie of charters.*

**G**arrantie of charters, is a writt, & it lyeth where any deed is made that comprehendeth a claue of warrantie, that is to ſay, Dedi or Conceſſi, or this word Warrantizabo, and if the tenant be impleaded by a ſtranger, if it be in Aſſiſe, or ſuch action where hee may not vouch to warrantie, then he shall haue this writt againſt his feoffor, or his heire, & if the land be recouered againſt him, he ſhal recouer as much land in value againſt him that made the warrantie. But this writt ought to be ſued hanging the firſt writt

*Garrantie des charters.*

**G**arrantie dez charters, eſt vn briefe, & giſt luy aucun fait eſt fait que comprehendre claue de garrantie, ceſtaſcat oir, Dedi ou Conceſſi, ou ceſt parol Warrantizabo, & ſi le tenant ſoit implede per vn eſtrange, ſi ſoit en Aſſiſe ou tiel action lou il ne poit vouch a garrantie, donques il auera ceſt briefe vers ſon feoffor ou ſon heire, & ſi le terre ſoit reconuer vers luy, il reconuera tant del terre en value vers ceſty que fiſt le garrantie. Mez ceſt briefe couiét eſte ſue pendaut le prymer briefe  
verz

The Exposition of

vers luy, ou autrement il  
ad parde son aduantage.

Auxy sur garrantie en  
ley, come sur homage an-  
cestrel, ou sur rent reserue  
sur lease a terme de vie,  
ou done en le taile home  
auera brieve de garrantie  
de Charters, mes nemy sur  
eschange.

against him, or else hee  
hath lost his aduantage.

Also vpon a warrantie  
in h<sup>e</sup> law, as vpon homage  
auncestrel, or vpon rent  
reserued vpon a lease for  
term of life, or a gift in the  
taile, a man shall haue a  
wytt of warrantie of Char-  
ters, but not by eschage.

251

Garrantie.

Garrantie.

Garrantie, est en trois  
manners, s. garrantie  
lineal, & garrantie colla-  
teral, & que comence per  
disseisin.

Garrantielineal est lou  
home seise en fee, ou en  
taile, fait seoffement per  
son fait a vn auter, & ob-  
lige luy & ses heires a  
garrant, & ad issue firs &  
morust, & le garrantie  
discende a son firs, ceo est  
lineal garrantie, pur ceo  
que finul fait oue gar-  
rantie vist este fait don-  
ques le droit des ter-  
res discenderoit al firs  
come heire a son pere,  
& il conueyeroit le dis-  
cent de le pere a le firs.  
Messi renant en le taile  
discontinua le taile, & ad

Garrantie, is in thre  
manners, that is to say,  
garrantie lineal, & garrantie  
collateral, and which  
beginneth by disseisin.

Garrantielineal is where  
a man seised in fee, or in  
taile, maketh a seoffment by  
his deed to another, & bin-  
deth him & his heires to  
warrant, & hath issue, a son  
& dyeth, & h<sup>e</sup> warrantie dis-  
cedeth to his sonne, that is  
lineal warrantie, for that h<sup>e</sup>  
if no need with warrantie  
had bene made, then the  
right of the lands shoud  
haue disceded to the sonne  
as heire to his father, & he  
shal conuey the discent from  
the father to the son. But  
if he tenet in the taile dis-  
continue the taile, & hath  
issue

issue and dyeth, and the  
uncle of the issue releaseth  
to the discontinuance  
with warrantie &c. & dyeth  
without issue, that is a  
collaterall warrantie to  
the issue in the tayle, for  
that that the warrantie dis-  
cendeth vpon the issue, the  
which may not conuey him  
to the tayle by meane of  
his uncle. And in euerie  
case where a man deman-  
deth landes in fee tayle by  
writ of Formedon, if any  
of the issues in the tayle  
which hath possession, or  
which hath not possession,  
maketh a warrantie, and  
he that sueth the Writ of  
Formedon may by possi-  
bilitie by matter that may  
be done, might conuey to  
him title by force of the  
gift by him that made the  
warrantie &c. that is then  
a lineall warrantie, and  
by such a lineall warrantie,  
the issue in the tayle  
shall not be barred, except  
that he haue assents to him  
discended: But if he may  
not by no possibilitie that  
may be conuey to him title  
by force of the gift by him  
that made the warrantie,

issue & deuie, & le vncle  
del issue releffa al discon-  
tinuance oue garrantie &c.  
& morust sauns issue, ceo  
est collaterall garrantie al  
issue en le tayle, pur  
ceo que le garrantie dis-  
cende sur le issue, le quel  
ne poyt soy conueyer a le  
tayle per le meane de son  
uncle. Et en chascun  
case lou home demaunda  
terres en fee tayle per  
briefe de Formedon, si  
ascunauncestour del issue  
en le tayle que auoyt pos-  
session, ou que nauoit pos-  
session fait vn garrantie,  
& cesty que sua le briefe  
de Formedon poyt per  
possibilitie per matter que  
puissoyt este fayr, pussoyt  
conueyer a luy title per  
force del done per celuy  
que fist le garrantie &c.  
ceo est donques vn lineal  
garrantie, & per tiel li-  
neal garrantie, le issue  
en le tayle ne serra barre,  
sinon que il ad assents a  
luy discendus en fee sim-  
ple: Mes si il ne poyt  
per nul possibilitie que  
poyt este conueye a luy  
title per force del done p  
celuy que fist le garrantie,  
don-

The Exposition of

donques ceo est vn colla-  
teral garrantie, & per tiel  
collateral garrantie, le  
issue en le taylor serra barre  
sans aucun assens. Et le  
cause que tiel collateral  
garrantie est vn barre al  
issue en le taylor, est pur  
ceo que tous garranties  
deuant le statute de Glou-  
cester, queux descendant a  
ceux queux sont heyres  
a eux que fesoient les  
garranties fueront barres  
a mesme les heyres a  
demaander aucun terres,  
forsprise les Garranties  
que commence per dissei-  
sin, & pur ceo que le  
dit statute ad ordeine que  
le Garrantie del pere ne  
serra barre a son fils pur  
les terres que veigne del  
heritage le mere, ne le  
garrantie de le mere ne  
serra barre al fils pur les  
terres que veigne del he-  
ritage del pere, per le sta-  
tute de 11. Hen. 7. cap. 20.  
& nul de les statutes ad  
fait ne ordayne remedy  
encounter le garrantie  
que est collateral al is-  
sue en le taylor, & pur  
ceo le garrantie que est  
collateral al issue en le

then that is a collateral  
warrantie, and by such a  
collateral warrantie, the  
issue in the tail shalbe bar-  
red without any assens.  
And the cause that such a  
collateral warranty is a  
barre to the issue in tail,  
is for that, that all warra-  
nties before the Statute of  
Gloucester, which dissen-  
ded to the which be heires  
to them that made the war-  
ranties were barres to the  
same heires to demand  
any lands, except the war-  
ranties that began by dis-  
seisin, & for that, that the  
said Statute hath ordeined  
that the warrantie of the  
father shal be no barre to  
his sonne for the lands  
which come of the heritage  
of the mother, nor the war-  
rantie of the mother shalbe  
no barre to the sonne for  
the lands which come of  
the heritage of the father, by  
the Statute 11. Hen. 7. c. 20. &  
none of the statutes hath  
made nor ordeined reme-  
die against the warrantie  
that is collateral to the issue  
in the tail, & therefore the  
warrantie that is colla-  
teral to the issue in the  
tail,

taile, is yet in his force, & shall be a barre to the issue in the taile, as it was before the statute. Also it holdeth that al warranties whereby any heire shall be barred, that the warrantie descend by the course of the common law, to him which is heire to him that made the warrantie, or els it shall be no barre, for if the tenant in the taile, of lands in Borow English, where the yonger sonne shall inherite by the custome discontinued the taile, and hath issue ij. sonnes, & the yngle releaseth to the discontinued with warrantie and dyeth, and the yonger sonne bringeth a Formedone, yet hee shall not be barred by such warrantie, causa qua supra. Also if any man make any deede with warrantie, whereby his heire should be barred, and after he that made the warrantie be attaint of felonye, then his heire shall not be barred by such warrantie, for that such warrantie might not descend upon him, for that that the blood is corrupt.

taile, vncore est en la force, & serra barre il issue en le taile, come il fuit deuant le statute. Auxy il couient que toutes garranties, per que aucun heyre serra barre, que le garrantie descend per course del common ley, a celui que est heyre a luy que fist le garrantie, ou autrement il ne serra barre, car si le tenant en le taile des terres en Borow English, l'ou le puisne fites enheritera per la custome discontinued le taile, & ad issue deux fites, & l'uncle releffa al discontinued oue garrantie & deuie, & le puisne fites port Formes done, vncore il ne serra barre per tiel garrantie, causa qua supra. Auxy si aucun home fait aucun fait oue garrantie, per quel sen heyre serroyt barre, & puis ce luy que fist le garrantie soyt attaint de felony, donques son heire ne serra baré, per tiel garrantie, pur ceo que tiel garrantie ne puit descendre sur luy, pur ceo que le sanke est corrupt.

Gar.



## The Exposition of

**Garrantie** commenceat p disseisin, est si le firs purchase tre, & puis leffa le tre a son pere pur terme dans, & le pere per son fait de ceo enseoffa vn estrange, & oblige luy & ses heys a garrantie, & le pere deuie, p quel le garrantie descend al firs, vncore cest garrantie ne barrera my le firs, mes le firs bien poit enter nient obstant cel garrantie, pur ceo que cest garrantie comensast per disseisin, quant le pere fist le fessment, q fuit vn disseisin al firs: Et come est dit de pere, issint poit este dit de chescun auter auncestour. Et m le ley est si launcestour soit tenat per Elegit, ou per Statute marchant, & fait alcun fessment oue garrantie, tiels garranties ne ierront barres, pur ceo que ils commenceont per disseisin.

252 *Garrantie.*

**G**arrantie, est quant vn est lye al auter que ad terre de garrant le terre al luy, le quel poyt commencement per deux meanes,

**Garrantie** beginning by disseisin, is if the sonne purchase lands, & after let the lands to his father for terme of yeres, & the father by his deede enseoffeth a stranger, & bindeth him & his hitres to warranty, & the father dieth, whereby the warranty descendeth to the sonne, yet this warranty shall not bar the sonne, but the sonne may well enter notwithstanding his warrantie, for that that this warranty beganne by disseisin, when the father made the fessment, which was a disseisin to the son. And as it is said of the father, so it may be said of every other ancestour. And the same law is, if the ancestour bee tenant by Elegit, or by Statute marchant, & make a fessment with warranty, such warranties shall be no bars, because they begin by disseisin.

*Garrantie.*

**G**arrantie, is when one is bound to an other which hath land, to warrant h land to him, which may begin two wayes,  
s. by

by  
the  
let  
for  
her  
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a  
by  
to  
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e

by deede of law : As if  
one & his auncestors hath  
held land of an other and  
his auncestors time out of  
mind, by homage, which  
is called Homage aunces-  
trell : Or by deede of the  
partie which granteth by  
deede or fine to the tenant  
of the land to warrant it  
to him : Upon which war-  
rant, if the tenant be im-  
pleaded by him which  
ought to warrant, or his  
heires, the tenant shall  
barre the demandant by  
pleading of the warrantie  
against him, which is cal-  
led Rebutter : Or if he be  
impleaded by an other in  
an action, where in he may  
vouch, he shall vouch him  
which warranted, or his  
heires, and if the plaintife  
recouer, the tenant shall  
recouer in value against  
the vouchier.

cestasc. pact del ley: Come  
si vn & les auncestors ont  
tenu terre del autre, & les  
auncestors per temps dont  
memorie ne court per ho-  
mage, que est appelle Ho-  
mage auncestrell : Ou per  
laet del partie que graunt-  
ta per fait ou fine al te-  
nant del terre de Gar-  
rant ceo a luy : sur quel  
garrantie si le tenant soit  
implede per luy que doit  
garrant, ou les heires,  
le tenaunt barra le de-  
maundant per pleader del  
garrantie vers luy, que est  
appelle Rebutter : Ou si  
soit implede per autre en  
action, en que il poit  
vouch, il vouchera cestuy  
que garrant, ou les heires;  
Et si le plaintife reco-  
uer, le tenaunt recoue-  
ra en value vers le vou-  
chee.

253

Gard.

Ward, is when an in-  
fant whose auncestor  
held by knights seruitce,  
is in the ward or keeping  
of the Lord, of whome  
those lands were holden.  
And if the tenant holde  
of diuers Lords diuers

Gard.

Gard, est quant vn en-  
fant que auncestour ti-  
ent per seruitce de chival-  
rie, est en le garde & cu-  
stodie de le Seignieur de  
que ils fuerent tenus. Et  
si le tenant tient de di-  
uers Seygnieurs dyuers  
terres

## The Exposition of

terres, celuy Seignior de que il tient per prioritie, cestascavoir, per le plus auncient tenure, auera le garde del enfant: Mes si vn tenure soit auxy auncient que le aurer, donques celuy que primes happa le garde de le corps gardera ceo: Mes en ceo case chescun Seignior auera le garde del terre que est tenu de luy. Mes si le tenant tient aucun terre del Roy en chiefe, donques le Roy per sa Prerogatiue auera le garde del corps, & de tout le terre que est tenu de luy, & de chescun autre Seignior.

Auxy sont diuers briefes de Garde, vn est briefe de Droit de garde, & gist lou le tenant deuie, son heire deins age, & vn estrange entra en le terre, & happa le garde de le corps de lenfant.

Briefe de Eiectment de garde gist lou home est ouste de la garde de terre sauns le corps de le enfant.

Briefe de Rauishment de

lands, the Lord of whome the land is holden by put outte, that is to say, by the more elder tenure, shall haue the wardship of the infant: But if one tenure be as olde as the other, then he that first happeneth to haue the ward of the bodie shall keepe it: But in that case every Lord shall haue the ward of the land that is holden of him. But if the tennaunt hold any land of the King in chiefe, then hee by his prerogatiue shall haue the ward of the bodie, and of all the land that is holden of him, and of euery other Lord.

Also there bee diuers writs of Ward, one is a writ of Right of warde, and that lyeth where the tenant dyeth, his heire within age, & a stranger entreth into the land, and happeneth to haue the ward of the body of the infant.

A writ of Eiectment of ward lyeth where a man is put out of the ward of the land without the body of the infant.

A writ of Ransishment of ward

ward lyeith where the body  
is taken from him only, &  
not the land.

254 Wardeine.

**W**Ardeine, or Gardeine,  
most properly is hee  
that hath the wardship or  
keeping of an heire, and  
of his lande holden by  
knights service, or of one  
of them to his owne use,  
during the nonage of the  
heire, & within that time  
hath the bestowing of the  
body of the heire, in mar-  
riage at his pleasure, with-  
out disparagement.

And of Wardeins there  
be two sortes, namely gar-  
deine in right, & gardein in  
deed.

Gardeine in right, is hee  
that by reason of his seig-  
niorie is seised of his ward-  
ship or keeping of the land,  
and of the heire during the  
nonage of the heire.

Gardeine in deede, is  
where the Lord after his  
seisin, as aforesaid, graun-  
teth by deede, or without  
deede, the wardship of the  
land, or of the heire, or of  
both to another, by force of  
which grant, the grauntee  
is in possession, then is the

gard gift lou le corps est  
prise de luy solement, & ni-  
ent le terre.

Gardeine.

**W**Ardein, ou Gardein,  
plus proprement est ce-  
luy que ad le garde ou cu-  
stody dun heire, & de son  
terre tenu per seruice de  
chivalrie, ou de vn de eux  
a son vse demesne, durant  
le nonage del h're, & deins  
cest temps ad le bestowing  
del corps del h're, en mar-  
riage al son volut sans dis-  
paragement.

Et de gardeynes il y ad  
deux sorts, nolsmement,  
gardeine en droit, & gar-  
deine en fait.

Gardein en droit, & ce-  
luy que per reason de son  
S'ny est seisie del gardship  
ou custodie del terre, & del  
h're, durant le nonage del  
heire.

Gardein en fait, est iou  
le Seignior apres son sey-  
sin, come auantedit, graunta  
per fait, ou sauns f'ayt, le  
gardship del terre, ou del  
heire, ou de ambideux a  
vn auter, per force de quel  
graunt, le grauntee est en  
possession, donques est le  
P  
graun.

## The Exposition of

grauntee appel gardein en fait.

Et cest gardeine en fait poyt graunt le heyre al auter auxy: Mes cest auter nest properment appel gardein en fait, car ceo est le grauntee del gardein en droit solement.

Mes le gardein en Socage ad le profit solement al vie del hñc ielsq; il ad accomplish le age de 14. ans, & rendr pur ceo accompt al hñc. Vide plus de ceo Littleton lib. 2. cap 4. & 5. Et Stamford sur stat. de Prærog. cap. 1. 2. & 6.

grauntee called gardeine in deede.

And this gardein in deed may graunt the heire to an other also: But that other is not properly called gardein in deed, for that is the graunter of the gardein in right only.

But the gardeine in socage hath the profit only to the vie of the heire, untill hee accomplish the age of 14. yeres, & must yeeld therfore an account to hñc heire. See more hereof Little. lib. 2. ca. 4. and 5. And Stamford upon the stat. of Prærogative ca. 1. 2. & 6.

### 255 Garnishment.

**G**arnishment est, sicome vn. action de Detinue des charters est port vers vn, & le defendaunt dit, que les charters fueront deliuer a luy per le playntife & per vn auter sur certain conditions, & prie que l'auter soit garnie de pleader ou le plaintife si les conditions sont perimples ou nemy, & sur ceo vn brieve de Scire facias issira vers luy, & ceo est appelle Garnishment,

### Garnishment.

**G**arnishment is, if an action of detinue of charters bee brought against one, & the defendant saith, that the charters were deliuered to him by hñc plaintife & by another upon certain conditions, & pratech that the other may be warned to plede with hñc plaintife if the conditions be performed or no, & thereupon a writ of Scire facias shall go forth against him, and that is called garnishment, and

and the other when hee commeth, shall plead with the plaintife, & that is called, enterpleder.

256

*Gaueler.*

**G**Aueler, is a special and auncient kinde of Cessant vsed in Kent where the custome of Gauelkind continueth: whereby the tenaunt shall forfeite his lands and tenements, to the Lord of whō they are holden, if he withhold frō his Lord his due rents & seruices, after this maner as followeth.

If any tenaunt in Gauelkind, withhold his rent and his seruices of the tenement which hee holdeth of his Lord, let the Lord seeke by the award of his Court from thre weekes to thre weekes to finde some distresse vpon the tenement vntill the 4. court, alwaies with witnessses. And if within that time, he can finde no distresse in that tenement, whereby he may haue Justice of his tenāt, Then at the 4. Court let it be awarded, that he shall take that tenement into his hand, in the name of a dis-

& latur quauit il vient en ins pledera ou le plaintif, & ceo est appel enterpleder.

*Gauelate.*

**G**Auelate, est vn speciall & auncient kind de Cessant vsed en Kent ou le Custome de Gauelkinde continue, per quel le tenaunt forfeitera ses terres & tenemētes al Seignieur de que ils sont tenus, sil detain de son Seignieur ses due'rents & seruices, selonque cest maner que ensuist.

Si ascun tenaunt en Gauelkinde retaine sa rent, & les seruices de le tenement que il tyent de son Seignieur, querge le Seignieur per agarde de la Court, de trois semaines en trois semaines, del trouer distresse sur cel tenement ielque a le quart court, a toutes foytes per tesmoignes. Et si deins cel temps ne troue distres en cel tenement, per queux il puisse son tenaunt iusticer, Donque a la quart Court soit agarde que il Preigne cel tenement en la maine, en nosme de di-

Pij

Presse

# The Exposition of

stresse, auxy come fuit Boeſſe ou Vache, & le ti-ent vn an & vn iour, en ſa maine, ſans maine ou-er, diens quel terme, ſi le tenaunt vient, & ren-de ſes arrerages, & fait reaſonables amendes de la deteiner, adonc eit, & enioy ſon tenement, ſicome les auncestours & luy auant tiendront. Et ſi ne vient deuant le an & le iour paſſe, donc auage le Seignieur al procheinne County Court ſuyant oue teſmoynes de ſa Court, & face la pro-nuncier cel procesſe p̄ teſ-moynage auer, & per a-garde de ſa Court (apres ceo Countie tenue) entra & meynouera en celz ter-rez & tenementez ſi-come en ſon demefne.

Et ſi le tenaunt vyent a-prez, & voyler reauer ſez tenementez, & tener ſi-come il ſiſt deuant, face gree al Seygnieur ſi-come il eſt auancientment diſt.

Neghe ſich ſelde, & neighe ſich gelde, & v.li.

ſtreſſe, as if it were an oxe or a cow, & let him keepe it a yere & a day in his hand without manuring it: with which terme if the tennaunt come and pay his arrera-ges, & make reaſonable a-mends for h̄ withholding, then let him haue and en-joy his tenement as his anceſſors & he befoze held it: and if hee doe not come befoze the yere & the day paſt, then let the Lord goe to the next County Court with his witneſſe of his own Court, & pronounce there this procesſe to haue further witneſſes, & by the award of his court, (after the County Court holdē) he ſhall enter & manure in thoſe landes & tenementes as in his own. And if the tenant come afterward, & wil rehaue his tenements, and hold them as hee did befoze, let him make a-greement with the Lord, accordyng as it is aunciently ſaid.

Hath hee not ſince ante thing giuen, nor hath hee not ſince any thing payed: Then let him pay ſue it.



for his were erebefore hee become tenaunt or holder againe. See hereof 10. H. 3. Fit. Cessauit. 60. and Statute 10. E. 2. of Gauelet in London. In the Collection of Statutes London 2. matter much tending to this purpose, that by this word Gauelet the Lord shall haue the land for the crasing of the tenant. And see W. 2. cap. 21. which giueth Cessauit.

There bee some copies that haue the first Verse thus writtten.

Nisith yelde, and nisith gelde.

And others thus.

Nighefith yeld, & nighefith geld.

But these differ not in signification, other copies haue it after this sort.

Nigondfith feld, and nigondfith geld.

That is to say, let him ix. times pay, and ix. times repay.

257 *Gauelkinde.*

**G**Auelkind, is a custome annexed, and going with landes in Kent called Gauelkind lands holden by ancient Socage te-

for the were, or hee become heald. Vide de ceo 10. Hen. 3. Fitzherb. Cessauit 60. & statute 10. Ed. 2. de Gauelet in London, en le Collection del Statutes London 2. matter tendant mult a cel purpose que per cel parol Gauelet le Seignior auera le terre, pur ceiser le tenaunt. Et vide Westm 2. cap. 21. que done Cessauit.

Il y ad ascús copies que ad le primer Verse issint escript.

Nisith yelde, and nisith gelde.

Et auters issint.

Nighefith yelde, and nighefith geld.

Mes ceux ne differ en signification, auter copies ont ceo solonq cest sort.

Nigondfith feld, & nigondfith geld.

Cest assauoir, payera il nouies foytes, & nouies foits repay.

*Gauelkinde.*

**G**Auelkinde est vn custome annex & courant oue fies en Kent ap- pel Gauelkinde terres te- nus en ancient Socage te-

Pij

nure,

# The Exposition of

more. Et est pense per les  
erudite en Antiquities, de-  
ste appel Gauelkinde de  
Gyue al kinne, cest adire  
a toutes les kinne en vn  
line, accordant come est  
vse enter les Germans, de  
que nous Anglois, & e-  
specialment de Kent ve-  
nomus. Ou il est appell  
Gauelkinde de Gyue al  
kinde, cest adire al toutes  
les males, car kinde en  
Dutch signifie vn male. Et  
diuers autres semble con-  
iectures sont fait per eux  
de le nosme (Gauelkinde)  
le quel ieo omit de pur-  
pose pur breuité.

Les plus vniuersal customes  
de eux sont, que le terre  
est deuidable enter les  
heires males, & que le  
heire al age de xv. ans poit  
done & vende sa terre, &  
serra inherite, coment son  
pere soit attainct & pendue  
pur felony, & sa feme ser-  
ra endow del demy del  
terre, dont son baron de-  
uie seisie, & le baron sera  
tenaunt per le Curtesie del  
demy, coment neauoyt  
issue per sa feme: mes le  
estate del baron & feme  
cease per leur second ma-

nage. And is thought by  
the skilful in Antiquities  
to be called Gauelkinde of  
Gyue al kin, that is to say,  
to all the kindred in one  
line according as it is  
vse among the Germans,  
from whom wee English  
men, and chieflie of Kent  
come. Wherof it is called  
Gauelkinde of Gyue al  
kinde, that is to say, to all  
the male children, for kinde  
in Dutch signifieth a male  
child. And diuers other  
like coniectures are made  
by them of the name (Gau-  
uelkind) which I omit of  
purpose for shortnes sake.

The most vniuersal custo-  
mes of them are, that the  
land is diuidable between  
the heires male, & that the  
heir at the age of xv. yeres  
may giue & sell his land, &  
shal inherite, although his  
father be attainct & han-  
ged for felony, & his wife  
shalbe indowed of half the  
land, wherof her husband  
died seised, & the husband  
shalbe tenant by the curte-  
sie of the halfe although he  
haue no issue by his wife,  
but his estate of his husband &  
wife ceaseth by their ma-  
riage.

riage. And diuers other customs are vsed in Kent of landes in Gavelkind, for which see the Perambulation of Kent, made by M. Lambert. For which cause the residue I will omit as vnnecessary for this book, & intreated of largely in the said Perambulation.

238 Gelde.

Gelde, that is to bee quit of seruise customes which were wont to be gotten, and are yet gotten, as hornegelde, and such like.

239 Graund Cape.

Graund Cape, took therfore after in the title Petit Cape.

260 Graund Sericanty.

Graund Sericantie, is when a man holdeth of the King certaine land by the seruice of carrying his banner or launce, or to leade his hoste, or to bee his caruer, or butler at his Coronation, and that is the most honourable seruice & most worthy that a tenant may doe, and for that it is called graund sericantie. But petit sericantie is when one

riage, Et diuers aus custōs sont vses en Kent de terre en Gavelkind, pur queux veies le Perambulation de Kent, fait per M. Lambert. Pur quel cause le residue ieo voyle omit come impotent a cel liur, & intreat ampleint en le dit Perambulation.

Gelde.

Gelde, hoc est quietū esse de consuetud' scruiib' q̄quondā dare consueuerūt & adhuc dant cōe hornegelde & hijs similibus.

Graund Cape.

Graund Cap, vide de ceo ap̄s title Petit Cape.

Graund Sericanty.

Graund Sericantie est loun vn hōe tiēt de Roy certain terres per le seruice de porter son banū ou launce, ou amesner son hoste, ou destre son caruer ou butler a son Coronment & tiels semblables, & ceo est la plus honorable seruice & plus deigne, que le tenant poit faire, & pur ceo est apel graund Sericanty. Mes petit Sericanty est quant vn

P iij.

tient

## The Exposition of

tient de Roy rendant a luy annuelment vn ark, vn co-  
teau, vn laüce, & tiels sem-  
bl', & ceo né forsq; socage  
en effect, mes hom ne poit  
tener in graund sericanty  
ne per petit sericanty sinon  
de Roy. Auxy si tenant per  
grand sericanty morust lon  
heire esteant de plein age,  
le heyre payera al Roy pur  
reliefe le value des terres  
ouster les charges que il  
pay al Roy p graund serie-  
anty : mes cestuy que tient  
p Escuage payera pur son  
reliefe forsq; C.s.

Auxy ceux que sont en  
le Marches de Scotland, q  
tient del Roy p Cornage,  
cest est, pur ventiler vn cor-  
nu quant les Scots entrent  
en Angleterre, sont tenants  
p graund sericantie.

Auxy ou vn home tient  
de Roy pur trouver vn ho-  
me en sa guerre deins le  
Realme, cest est dit graund  
Sericanty, pur ceo, que  
il est fait per corps dun  
home. Et si le tenaunt ne  
poit trouver home de faire  
ceo, donques il est tenu  
de faire ceo luy mesme.

holdeth of the King, pay-  
ing to him yearly a bow,  
a sword, a spear, and such  
like, and that is but So-  
cage in effect, but a man  
cannot hold in grand ser-  
icantie, or by petit sericant-  
ty but of the King. Also if  
a tenant by graund serie-  
antie dieth, his heire being  
of full age, the heire shall  
pay to the King for reliefe  
the value of the lāds over  
the charges that he payeth  
to the king by graund ser-  
icanty : but hee that hol-  
deth by Escuage shall pay  
for his reliefe but C.s.

Also those that be in the  
Marches of Scotland,  
that holdeth of the king by  
Cornage, that is, to blowe  
an horne when the Scots  
enter into England, are  
tenants in graund Serie-  
antie.

Also where a man hol-  
deth of the king for to  
finde a man in his warres  
within the Realme, that  
is called graund Serie-  
antie, for that, that it is  
done by a Mans bodie :  
And if the tenaunt cannot  
find a man to do it, then he  
is bound to do it himselfe,  
And

And hee that holdeth by graund Serieantie holdeth by knights seruice, & the king shall haue warde, mariage, & reliefe, but not of them that holde by petit Serieantie, but the king shall not haue of the that hold by graund Serieantie Escuage, except they hold by Escuage. So they that hold by graund Serieantie or escuage, hold by knights seruice. But one may hold by graund Serieantie, & not by escuage, and by escuage, & not by grand Serieantie. And knights seruice alwaies draweth to him ward, mariage, and reliefe.

Et il q̄ tient p grand serieanty tient p seruice de chivaler, & le Roy auant garde, mariage, & reliefe, mes nemy de ceux q̄ tient p petite Serieanty, mes le Roy nauera de eux que tient per grand serieanty escuage, Inon que ils tient p escuage. Ilint ceux que tient p grand serieanty ou escuage tient p seruice de chivaler. Mes vn poit tener p grand serieantie & nemy per Escuage, & per Escuage & nemy per grand serieantie. Et le seruice de chivaler tous soyts treye a luy gard, mariage, & reliefe.

261 Grithbreach.

Grithbrech, that is the kings peace broke, because (Grith) in English, is Pax in Latine.

Grithbrech.

Grithbrech, hoc est pax domini Regis fracta, quia (Grith) Anglice Pax Latine.

H.

262 Habere facias seisinam.

HABERE facias seisinam, is writ iudiciall, & it lyeth where one hath recovered certain lands in the kings Court, then hee shall haue

H.

Habere facias seisinam.

HABERE facias seisinam, est vn briefe iudiciall, & gist lou vn ad recouer certaine terres en Cour le Roy, donques il auera cest

## The Exposition of

cest bre direct al Vicount,  
luy commaundant de don  
a luy seisin del tre, & ne  
sera retournable.

that writ directed to the  
Sherife, commaunding  
him to giue him seisin of  
that land, and it shall not  
be retournable.

263 *Hangwit.*

**H**Angwit, hoc est quietu  
esse de latrone suspensio  
sine iudicio, vel extra custo-  
diam vestram euaso.

*Hangwit.*

**H**Angwit, that is to bee  
quit of a theefe or felon  
hanged without iudgemēt  
or escaped out of your cu-  
stodie.

264 *Harior.*

**H**arior, est en deux sorts,  
lun Harior custome, le  
auter Harior seruice.

*Harior.*

**H**arior, is in two sortes,  
the one Harior custom,  
the other Harior seruice.

Harior seruice (ascuns  
dient) est mult foies exp̄sse  
en le graunt dun home ou  
en son fait, que il tient per  
tiel seruice pur paier harior  
al temps de son mort, Et cē  
Harior est payable aps le  
mort de le tenaunt en fee  
simple.

Harior seruice (some  
say) is often exp̄ssed in a  
mans graunt or deed, that  
he holdeth by such seruice  
to pay Harior at the time  
of his death, And this ha-  
rior is payable after the  
death of the tenaunt in fee  
simple.

Harior custome, est lou  
Hariors ont este paies tēps  
hors de memory p̄custom.  
Et ceo poit este aps le mort  
del tenāt pur vie &c, mes a  
parler de ceo generalmēt.

Harior custom, is where  
Hariors haue beene paide  
time out of mind by custō.  
And this may be after the  
death of tenant for life &c.  
but to speake therof gene-  
rally.

Harior est le meliour  
beast (soyt il Chiual,  
Boef, ou Vache) que le  
tenaunt ad al temps de son  
mort, Et le Seignior poyt

Harior is the best beast  
(whether it be Horse, Ox,  
or Cow,) that the tenant  
had at tyme of his death.  
And the Lord may either  
seise,

seise, or take a distress for it, whether it be Harriot service, or Harriot custome, to the Lords use of whom the tenant held, by his bailiff, or other officer belonging to his manor. But of right, the Lord nor his officer should not take Harriot before it be presented at the next court holden after the tenant is dead, and that such a beast is due to the Lord for his Harriot.

265 Haybote or Hedgebote.

**H**Aybote or Hedgebote, is necessarie stuf to make and amend hedges, which the lessee for yeeres, or for life, of common right may take upon the ground, to him leased, although it be not expressed in his lease, and although it be a lease by wordes without writing.

Haybote also may be taken for necessarie stuf to make rakes, forkes, & such like instruments where with men use in summer to tedde & make hay. And so a lessee for yeeres tooke it, and it was allowed him

seise, ou pr  der vn distress pur ceo, soit il Hariot service, ou Hariot custome, al use del Seignior de que le tenaunt tient per son baylife, ou auter officer de son mannor. Mes de droit le Seignior ne son officer ne doit prendre Hariot deuant que il soit present al prochain court tenu apres le tenaunt est mort, & que tiel beast est due al Seignior pur son Hariot.

Haybote ou Hedgebote.

**H**Aybote ou Hedgebote, est necessarie stuf pur faire & amend haies, que lessee pur ans, ou pur vie, de common droit poyt prendre sur le terre a luy lesse, nient obstant il ne soit expresse en son lease, & nient obstant que il soit vn lease per parols sans escript.

Haybote auxy poit estre prise pur necessarie stuf pur faire rakes, forkes, & tiels semblables instrum  ts oue quux homes vfont en summer de redder & faire feine, Et issint vn lessee pur ans prist ceo, & fuit a luy allow per



## The Exposition of

per son lessor, plus tost cō  
ieo suppose, pur ceo que ti-  
els instruments sont com-  
munement fait de slender  
subboys, que per le com-  
monley le lessee pur ans  
poit succider & prendre  
come est auantdit.

by his Lessour, the rather,  
as I suppose, for that such  
instruments are common-  
ly made of slender under-  
wood, which by the com-  
mon law<sup>s</sup> lessee for yeres  
may cut and take as is  
aforesaid.

266 *Hidage.*

**H**idage, hoc est quietum  
esse, si dominus Rex  
talliauerit totam terram  
per hidas.

Nota q vn hide de terre  
est vn entier ploughland:  
Et cest kinde de taxing per  
hides fuit mult vse en viel  
temps, sibien pur prouisi-  
on de armour, come  
payments de argent, &  
ceo principalment en les  
iours del Roy Etheldred  
(vn Roy en cest pays de-  
uant le Conquest) que en  
le an de Christ 1006. quant  
les Danes priste<sup>r</sup> land al  
Sandwich in Kent, taxe  
tout son terre per hides en  
cest maner, Que chescun  
310. hides de terre doient  
trouer vne niese furnishe,  
& chescun 8. hides doi-  
ent trouer vn Iacke & vn  
Saller, pur le defence del  
Realme.

*Hidage.*

**H**idage, that is to bee  
quite, if the king shall  
taxe all the land by hides.

Note that a hide of land  
is a whole plough land.  
And this kind of taxing  
by hides was much bled  
in olde time, as well for  
prouision of Armour, as  
payments of Money, and  
that chiselfe in K. Ethel-  
dreds daies (a king in  
this Countrey before the  
Conquest) who in the  
yeare of Christ 1006. whē  
as the Danes landed at  
Sandwich in Kent, taxed  
at his land by hides thus:  
That every three hun-  
dred and tenne hides of  
land, should find one ship  
furnished, and every eight  
hides should finde one  
Iacke and one Saller,  
for the defence of the  
Realme.

*Moschpot*

267 Hotchpot.

**H**otchpot, is a medling, or mixing together, and partition of landes giuen in frankmarriage, with other landes in fee simple descended. As for example: a man seised of 30. acres of land in fee simple hath issue ij. daughters, and giueth with one of his daughters to a man that marrieth her x. acres of the same land in frankmarriage, and dyeth seised of the other twentie acres: Now if shee that is thus married will haue any part of the twenty acres wherof her father died seised: She must put her lands giuen in frankmarriage in Hotchpot, that is to say, shee must refuse to take the sole profits of the land giuen in frankmarriage, and suffer the land to be commixt & mingled together with the other land wherof her father dyed seised, so that an equall deuision may bee made of the whole betweene her and her sister: And thus for her tenne acres shee shall

Hotchpot.

**H**otchpot, est vn medling, ou mixing ensemble, & vn partition de terres done en frankmarriage, ouesque auter terres en fee simple descendus. Come pur exemple: vn home seise de 30. acres de terre en fee simple, ad issue ij. filles, & done ouesque vn des ses filles al vn home que luy marrie 10. acres de ceo terre en frankmarriage, & morust seise de les auters 20. acres: Ore si el que est issint marrie vouloit auer ascun part de les 20. acres de que son pere morust seise: el doit mis ses terres done en frankmarriage en Hotchpot, ceo est adire, el doit refuser de prender le sole profite de terre done en frankmarriage, & suffer le terre de estre commixt, & mingle ensemble ouesque le auter terre de que son pere morust seise, issint que vn equall deuision poyt estre fait de lentyer penter luy & sa soer. Et issint pursa 10. acres, el auera

The Exposition of

auera xv. autermet sa soer  
voit auer les 20. acres, de  
quelour pere morust sei-  
lie.

268

*Homage.*

**H**Omage, est vn seruice  
que serra fait en tiel  
maner, cestascavoir, le te-  
nant en fee simple, ou fee  
taile, que tient per homage  
genulera sur ambideux  
genues disinct, & le  
Seignieur scera, & tiendra  
les maines son tenant en-  
ter les maines, & le tenant  
dira: Ico deuaigne vostre  
home de cest iour en a-  
uant de vie & de member,  
& de terreine honour, & a  
vous serra foyal & loyal  
& foy vous portera des  
terres que ico claime de  
tener de vous, salue le  
foy que ico doy a nostre  
Seignieur le Roy, & don-  
ques le Seignieur issint se-  
ant luy basera.

Mes coment Fealtie serra  
fait, vide deuant en Fealty.

Et le Seneschal le Seig-  
nour poit prender fealtie,  
mes nemy Homage.

269 *Homage auncestrel.*

**H**Omage auncestrel, est  
lou vn hœ & les aun-  
cestours de temps dont

haue fifteene, else her Si-  
ter will haue the twentie  
acres, of which their fa-  
ther died seised.

*Homage.*

**H**Omage, is a seruice  
which shall be made in  
such maner, that is to say,  
the tenant in fee simple, or  
fee taile, that holdeth by  
Homage, shall kneele vpon  
both his knees vngrtred,  
and the Lord shall sit and  
shall hold the hands of his  
tenant between his hands,  
and the tenaunt shall say:  
I become your man from  
this day foreward of life &  
member, & of earthly ho-  
nour, and to you shall bee  
faithful & true, and shall  
beare to you faith for the  
lands that I claim to hold  
of you, sauing that faith  
that I owe to our Lord  
the king, & then the Lord  
so sitting, shall kisse him.

But how Fealtie shall be  
done, look before in fealty.

And the Steward of the  
Lord may take fealty, but  
not Homage.

*Homage auncestrel.*

**H**Omage auncestrel, is  
where a man and his  
aunccestours of time out of  
mind,

mind, did hold their land of their Lord by homage. And if such Lord hath received homage, hee is bound to acquit the tenant against all other Lords aboue him of every maner seruice. And if the tenant hath done homage to his Lord, and bee impleaded, and voucheth the Lord to warrantie, the Lord is bound to warrant him, and if the tenant looke, hee shall recouer in value against the Lord so much of the lands as hee had at the time of the voucher, or any time after. Also if a man that holdeth his land by homage auncestrel alien the land in fee, then his alienee shall do homage to his Lord, but he shall not hold by homage auncestrel for that the continuance of the tenancy in the blood of the first tenants is discontinued.

memory ne courge, ont tenu la fere del Seignieur per homage. Et si tiel Sir ad receiue homage, il est tenu de acquiter le tenant vers tous autres Srs par amount luy de chescun maner seruice. Et si le tenat ad fait homage a son Sir, & soyt implede & vouch le Seignior a garrantie, le Sir est tenu de luy garranter, & si le tenant perde, il recouera en value vers son Seignieur tant des terres que il auoit al temps de la voucher, ou vnques puis. Auxy si home que tient sa terre per homage auncestrel alien le terre en fee, donques le alienee ferra Homage a son Seignieur, mes il ne tiendra per Homage auncestrel, pur ceo que le continuance del tenancy en le sanke del primer tenant est discontinued.

370. Homesoken.

**H**omesoken, or Hamesoken) that is to bee quit of amerciaments for entering into houses violently & without licence,

*Homesoken.*

**H**omesoken, (ou Hamesoken) hoc est quietum esse de americiamentis de ingressu hospiciorum violenter & sine licentia,

&

The Exposition of

& contr' pacē domini Regis. Et q̄ teneatis placit de h̄modi transgres, facta in Curia vestr, & inter vestr.

and contrary to the peace of the king. And that you hold plea of such trespass done in your Court, and in your land.

271 *Homicide, ou Manslaughter.*

Homicide, or Manslaughter.

**H**omicide, ou Manslaughter, est le occider dun hom̄ feloniously sans malice premed. Il est auxy défini ainsi, Homicidium est hominis occisio, ab homine facta. Si autem a cane, boue, vel alia re, nō dicitur proprie homicidium: dicitur homicidium ab homine & cado, quasi hominis cadum.

**H**omicide, or Manslaughter, is the killing of a man feloniously without malice forethought. It is also defined thus, Homicide is the killing of a man by a man. And if such killing bee done by a dog, ox, or other thing, it is not properly called homicide, for it is called homicide of a man & to kill, as the killing of a man.

272 *Hornegelde.*

Hornegelde.

**H**ornegelde, hoc est quierum esse de quadā consuetudine exacta per tallagium p̄ totā terrā, sicut de quacunque bestia cornuta.

**H**ornegelde, that is to be quit of a certaine custom exacted by tallage thorough all the land, as of whatsoever hore beast.

273 *Houfebote.*

Houfebote.

**H**oufebote, est necessarie merisime, que le lessee pur ans, ou pur vie, de common droit poit p̄ndre sur le terre, pur repaysrer les measons sur mesme le terre a luy lessee, nient obstant il ne soyt exp̄sse en le lease, & nient obstant il

**H**oufebote, is necessarie rent, that the lessee for yeares, or for life, of common right may take upon the ground, to repaire the houses upon the same ground to him leased, although it be not expressed in the lease, & although it be

be a lease by word with-  
out deed. But if hee take  
more then is needfull, hee  
may be punished by an ac-  
tion of Waste.

274 Hundred.

**H**undreds, were dis-  
tributed by Alfred the king  
after that hee had deuided  
the whole Realme into  
certaine parts or sections,  
which of the Saxon word  
Scyran, signifying to cut,  
he termed Shires, or (as  
wee yet speake) Shares &  
porcions. These Shires  
he also deuided into smal-  
ler partes, wherof some  
were called Lathes, of the  
word Gelathian, which is  
to assemble together, &  
others Tithings, so na-  
med, because there were in  
each of them to the num-  
ber of ten persons, where-  
of ech one was swertie and  
pledge for others good &  
bearing: Others Hun-  
dreds, because they con-  
tained iurisdiction ouer  
an hundred men or pled-  
ges, dwelling peraduen-  
ture in three, or more  
parishes, boroughes, or  
townes being & morning  
neighbourhoodes nere

soit yn lease per parolx  
sans fait. Mes si il prist  
plus que besoigne, il poye  
estre puni par vn action  
de waste.

Hundred.

**H**undreds fueront de-  
uise per Alfred le Roy,  
apres que il ad deuide le  
entier Realme en certaine  
parts ou sections, le quel  
de le Saxon parol Scyran,  
signifiant de scinder, il  
terme Shires, ou (sicome  
nous vncore parle) Shares  
& porcions. Ceux Shires  
il auxy deuide en petites  
parts de queux ascuns fue-  
ront appellees Lathes, de  
le parol Gelathian, que est  
de assembler ensemble,  
autres Tythinges, ainsi  
nomme, par ceo que la fue-  
ront en chescun de eux al  
number de dize, persons,  
de que chescun fuit swer-  
tie & pledge par autres  
bone behauiour: Autres  
Hundreds, par ceo que  
ils containe iurisdiction  
sur vn 100. homes ou pled-  
ges, demourant peraduen-  
ture en deux ou trois, ou  
plus paroches, boroughes,  
ou villes, estant & adioy-  
nans nief meines pechein-  
entem-

ensemble, en le quel il ap-  
point administration de  
Justice destre exercise se-  
uerallment enter eux de  
mesme le hundred, & ne-  
my quelun ira hors dis-  
ordrement en l'auter hun-  
dred, lath, outything, en  
que il ne demurr. Ceux  
hundredes continue a cest  
iour en force, nient ob-  
stant ne en tout al mesme  
le purpose, pur que al pri-  
mer ils fueront ordein, vn-  
cōre a ore mult necessarie  
& en temps de peace pur  
bone order de gouverne-  
ment diuers voyes, & auxy  
en guerre pur certaine-  
tie de leuying de homes:  
come autrement pur le  
plus spedy collections de  
payments graunt en Par-  
liamt a les Roies & Roig-  
nes de cest Realme.

275

*Hundredum.*

**H**Vndredum hoc est qui-  
etum esse de denarijs  
vel consuetudinibus faci-  
endis prapōsit is & hūdre-  
darijs.

I.

276

*Ideor.*

**I**Deor, est celuy que est  
vn sot naturall de sa  
neissure, & ne scauoit de

together, in which he ap-  
pointed administration of  
Justice to be exercised se-  
uerally amongst them of  
same hundred, & not that  
one should runne out dis-  
orderly into anothers hū-  
dred, lath, or tything,  
wherein he dwelleth not.  
These hundredes continue  
to this day in force, al-  
though not altogether to  
the same purpose, where-  
unto at the first they were  
appointed, yet still verie  
needfull, both in time of  
peace for good order of  
gouernmēt diuers wates,  
and also in warre for cer-  
taine of leuying of men:  
as els for the moze readie  
collections of paymentes  
granted in Parliament to  
the Kings and Quenes  
of this Realme.

*Hundredum.*

**H**Vndredum, that is to  
bee quitte of money or  
customs to be done to the  
gouernours and hundre-  
dors.

I.

*Ideor.*

**I**Deor, is he that is a foole  
naturally from his birth,  
and knoweth not how to  
account



account oꝝ number twenty pence, noꝝ cannot name his father oꝝ mother, noꝝ of what age himſelfe is, oꝝ ſuch like eaſie and commo matters: ſo that it appeareth he hath no manner of vnderſtanding of reaſon, noꝝ government of himſelfe, what is foꝝ his proſit oꝝ diſproſit &c. But if hee haue ſo much knowledge, that he can read, oꝝ learne to read by inſtruction and information of others, oꝝ can meaſure an Ell of cloath, oꝝ name the dayes in the weeke, oꝝ beget a child, ſon, oꝝ daughter, oꝝ ſuch like, whereby it may appeare that he hath ſome light of reaſon: then ſuch a one is no Ideot naturally

accompter ou number 20. d, ne poyt noſmer ſon pere ou mere, ne de quel age il m'e, ou tiel ſemblable plain & common choſes, iſſint q il appiert q il nad aſcun maner de intendenient de reaſon ne gouernmt de luy m, quel eſt pur ſon profit, ou diſproſit &c. Mes ſil ad tant intelligence que il poyt lier, ou apprendre de lier per inſtruction & information de auters, ou poyt meaſure vn vline de drape, ou noſme les iours en le ſemaine, ou engender vn enfant, ſits ou ſile, ou tiel ſemblable, per que il poyt appeare que il ad aſcun lumen de reaſon, d'o que tiel neſt Ideot naturalment.

377 Idemptitate nominis.

*Idemptitate nominis.*

**I**demptitate nominis, is a writ; and it lyeth were a writ of debt, couenant, oꝝ accompt, oꝝ ſuch other writ: is brought againſt a man, and another that hath the ſame name as the defendant hath is take foꝝ him, the be ſhat haue this writ,

**I**demptitate nominis, eſt vn bre, & giſt lou bre de der, Couenant, Accompr, ou tiel ſemblable briefe eſt port vers vn home, & vn auter que ad meſmele noſme come le defendant ad, eſt pris pur luy, donq il autra ceſt bre per

Q ij.

# The Exposition of

per que le vicount fra in-  
quire deuant Justice as-  
signe in m le countie, si soyt  
m le person ou nemy, & sil  
ne soyt trouue le party, don-  
ques il alec sans iour in  
peace.

278

*Ieofaile.*

**I**Eofaile, est quant les par-  
ties al ascun fait en ple-  
dant ont a tant procede  
que il ayent ioyne issue  
quel serra trie ou est trie  
per vn Iury ou Enquest.  
Et cel pleding ou issue est  
cy malement plede ou  
ioyne que il serra errour si  
eux proceed: Donque as-  
cun dei distes parties poyt  
per lour Counsell mon-  
stre ces al Court auxibien  
apres verdict done & de-  
uant iudgement, come de-  
uant le Iurie soyt charge.  
Le monstrans des queux  
defectes deuant le Iury  
charge, fuit souvent quant  
le Iury veigh al Court de  
trier le issue: donques le  
councell q'il voit ceo mon-  
strer, dirra, Cest enquest ne  
doies prender, Et si soyt  
apres verdict, donques  
il poyt dire, Al iudge-  
ment ne deues aler. Et

by the which the Shertle  
shall make inquiry before  
the Justice assigned in the  
same countie, if he bee the  
same person or not, and if  
hee be not found to bee the  
partie, then hee shall goe  
without day in peace.

*Ieofaile.*

**I**Eofaile, is when the par-  
ties to any suite in plea-  
ding have proceeded so far  
that they have ioined issue  
which shall bee tried, or is  
tried by a Iurie or En-  
quest. And this pleading  
or issue is so badly pleaded  
or ioined, that it wil be er-  
ror if they proceed: Then  
some of the saide parties  
may by their counsell shew  
it to the Court as well  
after verdict giuen and  
before iudgement, as be-  
fore the Iurie be charged.  
The shewing of which  
defectes before the Iurie  
charged, was often when  
the Iurie came into the  
Court to trie the issue, then  
the counsell which will shew  
it, shal say, This Enquest  
ye ought not to take. And  
if it be after verdict, then  
he may say, to iudgement  
ye ought not to goe. And  
be:

because by such many delays were in suites, diuers statutes are made to redresse them, aswel in the time of R. 13. 8. in the 32. yeare ca. 30. as in the time of Queene Eliz. Whereof a man may say as the Ciuilians say, that although Constantine the Emperoz commanded the formes of the lawe to be cut off, yet the daily vse of pleading doth seem again to recall them, or rather, some of them increase as the heads of Hydra.

pur ceo q̄ p tielx mules delayes fueront en suites, diuers statutes sont faits de redresser ceo, auxibien en temps de Roy H. 8. Anno 32. cap 30. come en letēps le Roigne Elizab. De qux home poyt dire come les Ciuilians dient, quod tamen iuris formulas amputari iusserit Constantin⁹ Imperator, quotidianus tamen forensis vsus eas reuocasse videtur, vel potius, quod crescunt vt Hydraz capita.

279 Vnlawful assemblie.

Vnlawfull assemblie, is where people assemble themselves together to do some vnlawfull thing against the peace, although that they execute not their purpose indeed.

280 Imparlance.

Imparlance, is when an action of debt, trespassse, or such like is brought against a man, and after that the plaintiff hath confessed or declared, the defendant proppeth the Court, that hee may haue time to put in his answer to

*Illoyall assemblie.*

Illoyall assemblie, ē lou peopple eux assemble insumul pur tayre illoyal chose encounter le peace, nient obstant que ils ne execute leur purpose en fait.

*Imparlance.*

Imparlance est quant vn action de debt, trespassse, ou tielx semblables est port enuers vn home, & apres que le plainrite ad count ou declare, le defendant prie le Court que il poit auer temps de mitter eins son respons al  
Q iij. auxer

## The Exposition of

auter iour en m le terme,  
ou en le prochein term, cē  
stay de respons est appel  
imparlance,

another day in the same  
term, or in the next terme,  
following, this stay of an-  
swere is called imparlance.

### 281 Imprisonment.

**I**mprisonment nest auter  
chose forsque le restraint  
del libertie dun home, soyt  
ceo en le ouert champs ou  
en le cippes, ou gage en les  
estreats, ou en le pper me-  
aon dun hom, cybien cōe  
en le common gaole. Et  
en tous ceux lieux le party  
issint restraine est dit destre  
vn prisoner, cy longem cōe  
il nad son liberty franke-  
ment de ire a tous tēps & lieux  
lou il voyt, sons bail, main-  
prise ou auf auctorite.

### Imprisonment.

**I**mprisonmēt, is no other  
thing, but the restraint of  
a mans libertie, whether it  
be in the open field, or in  
the stocks, or cage in the  
streets, or in a mans owne  
house, as wel as in the com-  
mon gaole. And in al these  
places the party so restrai-  
ned is said to be a prisoner  
so long as he hath not his  
libertie freely to goe at all  
times to al places whether  
he will, without baile or  
mainprise, or other autho-  
ritie.

### 282 Inducuit.

**I**nducuit est vn briefe, &  
gistlou debate est peren-  
ter deux Clerkes en court  
Christian dun Eglise, ou  
part de vn Eglise, pur dis-  
mesq amount al meines  
a le value de la quart part  
del Eglise, & pur ceo que  
le patron del Clerke le de-  
fendaunt perdra son ad-  
uowson, si le Clerke le  
plaintife, la recouera,  
donques il auera briefe

### Inducuit.

**I**nducuit is a writ, & ly-  
eth where debate is be-  
tween 2. Clerks in Court  
Christian of one Church,  
or part of a Church, for  
dismes which amounteth  
at the least to the value of  
the iiii. part of the church,  
& for that that the patrō of  
the Clerke of the def. shall  
lese his aduowson, if the  
Clerke of the pl. shal reco-  
uer it, hee shall haue a writ  
directed

directed to the Clerke of the plaintife, or to the officers of the Court Christian, them commaunding to cease their plea, vntill it is discust in the kings court to whome the aduowson belongeth: And the Writ shalbe betweene itij. persons, two shall be patrons & 3. shall be Clerks. But this writ is not returnable, but if they cease not their suit, he shall haue an Attachment.

283 *Infangtheefe.*

**I**Nfangtheefe, that is that cheeuens take within your demesne or see conuicted of thefts, shall bee iudged in your court.

284 *Information.*

**I**Nformation, for the R. is that, which for a common person is called a declaration, and is not alwaies done directly by the King, or his Atturney, but rather by some other man, who sueth or infor-meth as well for himselfe vpon the breach of some penall law or Statute, wherein a penaltie is giuen to the party that will sue for the same, but no

direct al Clerke le plaintif, ou al officers del Court Christian, eux commaundant de cesser de leur plea, iefques il est discusse en Court le Roy a que laduowson appent: Et cest brieve serra enter quater persons, deux seront patrons, & deux seront clerks. Mes cest brieve nest returnable: mes s'ils ne cessent leur suit il auer vn Attachment.

*Infangtheefe.*

**I**Nfantheefe, hoc est que latrones capti in domino vel in feodo vestro de latrocinij conuicti, in curia vestra iudicent.

*Information.*

**I**Nformation ple Roy est ceo que pur vn common Person est appell vn declaration, & nest tous foits fait directement per le Roy, ou son Atturney, mes per vn autre home, Qui tam pro domino Rege quam pro se ipso sequitur, sur le breach de ascun penalley ou statute, en que vn penaltie est done al partie que voit suer pur ceo, mes nul

Q iij

action

## The Exposition of

action de det pur recouer  
cey, donq; il doyt este ewe  
per information.

285 *Instant.*

**I**Nstant, que est dist in  
Latine *Instant*, & define  
per les Logicians, *Vnum*  
*sudinisibile in tempore, quod*  
*non est tempus, nec pars*  
*temporis, ad quod tamen*  
*partes temporis copulantur,*  
est mult consider en ley:  
& coment ne poet ac-  
tuelment desse deuide,  
vnqore est en considera-  
cion & conceyt deuide  
& applie al seuerall pur-  
poses, sicome fueront se-  
uerall temps, de quel vide  
en Master Plowdens Com-  
mentaries, en le case entre  
*Fulmerstone & Stuard*, lori  
lestature 31 Henry 8. que  
enact, que si Abbe deins  
an deuaunt cest Statute  
lessa terre al vn, que don-  
qeyt mesme terre al ferm,  
pur terme de ans, dunque  
nient expir, qle lessee auer  
cest terre solement p vine  
vn ans, est expounde: &  
la est debate que quaut  
termor prent le seconde  
lease, il surrender son

action of Debt to recouer  
it, then it must bee had by  
information.

*Instant.*

**I**Nstant, which is saide in  
latine *Instant*, & defined  
by the Logicians, a thing  
not deuidable in time,  
which is not any time, nor  
part of time, to which yet  
the parts of time are con-  
ioyned, is much considered  
in the law, & though it ca-  
not bee actually deuided,  
yet in consideration & co-  
cell may be deuided & split-  
ed to seuerall purposes, as  
if they were seuerall times,  
wherof see in M. Plowdens  
Com. in the case betweene  
*Fulmerstō & Stuard*, where  
the Stat of 31. H. 8. which  
enacted. p if an abbot hōm  
a pere before p Statute had  
letten lands to one, which  
at the time of the making  
of that lease, had the same  
lād to ferme for a terme of  
yeeres, at the time of pma-  
king of that lease not ex-  
pired, that the lessee should  
haue that lād only for 1.  
yeeres is expounded. And  
there it is debated, that  
when p termes taketh the  
lease, he surrendreth his  
for

former term which he had before, & so at the same time at the taking of the 2. lease, the former term was expressed, & so at one instant and time he had a former term, and also the former term was expressed & determined. And in the case betweene Petit & Hailes, he which killeth himselfe, till he be dead, did not commit felony, and when he was dead, he was not in being, so that hee might be termed a felon, but at the instant is in the law adjudged a felon. And so there be many other cases in the law, where the instant, that is not deuideable in nature, in the consideration of the mind & understanding of the sages of the lawe, is deuided, vpon which arise many arguments of great wit & profound iudgement.

286

*Joindenants.*

**J**oindenants be where two men come to any landes & tenements by one ioint title: As if a man giue lands to two men and to their heires.

But tenants in com-

former terme que il auoit deuant, & sic al mesme temps del prisel del second lease, il eut vn former terme, & per le prisel del second lease le former terme fuit expire, & issint al vn instant & temps, il eut vn former terme, & auxy le former terme fuit expire & determine. Et en le case entre Petit & Hailes, cestuy que occide luy mesme, tanque soit mort, ne fesoit felonie, & quant fuit mort, ne fuit en elle, issint que poit estre dit felon, mes al Instant est en ley adiudge felon. Et sont mults autres cales en ley, lou le instant temps, que est indeuisible en nature, en consideration del ment & entendement del sages del ley est deuide, sur queux surde mults arguments de graund ingenie & profound iudgement.

*Joindenants.*

**J**oindenants sont lou deux homes vient a aucun terres ou tenements per vn ioint title: Come si home done terre a deux homes & leur heires.

Mes Tenants en commun



## The Expōsition of

mon sont lou ij. homes  
ont terres per feuerall ti-  
tles, ou per feoffement al  
deux, a auer & tener lun  
moitie al vn & ses heires,  
& l'auter moitie al l'auter  
& ses heires, en tous ceux  
cases nul de eux scauoit  
son feuerall, come il terra  
dit apres.

Et nota si sont deux ou  
trois ioyntenaunts, & vn  
ad issue & deuie, don-  
ques cestuy ou ceux ioin-  
tenants que suruelque a-  
uera lentierte per le sur-  
uiuer.

Mes si deux iointenants  
sont particion enter eux p  
fait per agreement, doncs  
ils sont feuerall tenants.

Mes si vn iointenaunt  
graunt ceo que a luy ap-  
pent a vn estrange, don-  
ques l'auter iointenant &  
le stranger sont tenants en  
common.

Et mesque ij. tenants  
en common sunt seise  
per my & pertout, & nul  
conust son feuerall, vncore  
si vn deuie, l'auter ne aue-  
ra lentierte per surui-  
uer, mes le heire de  
cestuy que deuie auera le  
moitie.

mon be where two men  
haue lauds by feuerall ti-  
tles, or by feoffment to ij.  
to haue & to hold the one  
halfe to one & his heires,  
& the other half to another  
and his heires, in all these  
cases none of them know-  
eth his feuerall, as it shal  
be said after.

And note wel, if there be  
two or three Iointenants,  
and one hath issue & dieth,  
then he and those ioynte-  
naunts that ouerliue shal  
haue the whole by the sur-  
uiuer.

But if two iointenants  
make particion between the  
by deed by agreement, then  
they be feuerall tenants.

But if one iointenant  
grant that that belongeth  
to him to a stranger, then  
the other iointenant and  
the stranger be tenants in  
common.

And though two te-  
nants in common be seised  
thoroughly & of the whole,  
and none knoweth his se-  
uerall, yet if one die the  
other shal not haue the  
whole by the suruiuer, but  
the heire of him that dieth  
shal haue the halfe.

And

And so if there be three Ioyntenants, and one of them maketh a feoffement of his part to another, & the feoffee dieth, then his heire shall haue the thirde part, and the other two be Ioyntenants as they were, because that they two be seised by one Ioynt title.

Also if lands bee giuen to the Baron, and to his wife, and the husband alieneth and dieth, the wife shall recouer the whole: but if they were Ioyntenants before the couerture, then in such case she shall recouer but the halfe.

Also if land be giuen to the husband & to his wife, and a thirde person, if the thirde person graunt that that belongeth to him, the one halfe passeth by this grant, for that that the baron & his wife be but one person in the law, & in this case they haue nothing in right but the halfe.

Also if two Ioyntenants be of lands in a Towne which is Borough English, where land is deuifable, and one by his testament deuifeth that, that

Et issint si sont iij. Ioyntenants, & vn de eux fayt feoffement de son part a vn autre, & le feoffee deuie, donques son heyre auera le tierce part, & les aus iij. sont ioyntenants come ils fueront, pur ceo que eux deux sont seises per vn ioynt title.

Auxy si terre soit done al baron & sa fem, & le baron alien & deuie, le feme recouera lentierty: Mes si ils fueront ioyntenants deuant le couerture, donqs en tiel case el recouert forsque le moitie.

Auxy si terre soynt done al baron & sa feme, & al tierce person, si le tierce person grant ceo q a luy appert la moitie passa per cel grât, pur ceo que le baron & sa feme sont forsque vn person en le ley, & en cest case ils nont en droit forsque le moytie.

Auxy si deux Ioyntenants sont des terres en ville que est Borough English, lou terre est deuifable, & lun per son testament deuifia ceo que  
a luy

## The Exposition of

a loy appent a vn estrange  
& deuy, cest deuise e voyd,  
& le auter auera l'entierrie  
per suruiuer, pur ceo que le  
deuise ne poit prender es  
se& tanque apres le mort  
le deuisor, & immediate as  
pres le mort le deuisor, le  
droyt deuient al aut ioynt  
tenant ple suruiuour, le q<sup>l</sup>  
ne clayne riens p le deu  
sor mes en son droyt de  
meine ple suruiuor. Mes  
auterint est de parceners  
seisies des tres deuissables,  
Causa qua supra.

287 *Ioynture.*

**I**ointure, est vn estate &  
assurance fait al vn feme  
en consideration de mariage  
pur terme de sa vie,  
ou autrement, come est  
mention en l'estatute 27.  
H. 8. ca. 10. soit il deuaunt  
ou apres le mariage: Et si  
soit apres le mariage, don  
ques el poyt a sa libertie  
apres le mort de son ba  
ron refuser de prender ou  
auer les terres assint assure  
pur sa ioynture, & de  
maund sa dower al com  
mon ley: Mes si il soyt fait  
deuaunt mariage, don  
ques el ne poyt refuse tiel

belongeth to him to a strā  
ger & dieth, this deuise is  
void, & the other shal haue  
the whole by suruiuer, for  
that the deuise may not  
take effect till after h death  
of the deuisor, and immedi  
ate after the death of the  
deuisor, the right cometh  
to the other iointenant by  
the suruiuor, the which  
claime nothing by the  
deuisor, but in his owne  
right by the suruiuor: But  
otherwise it is of Parce  
ners seised of lands deuiss  
able, Causa qua supra.

*Ioynture.*

**I**ointure, is an estate and  
assurance made to a wo  
mā in consideration of ma  
riage for terme of her life,  
or otherwise, as is menti  
oned in the statute 27. H. 8  
cap. 10. whether it bee be  
fore or after the marriage:  
And if it be after h marri  
age, then shee may at her  
libertie after the death of  
her husband refuse to take  
or haue the lands so assu  
red for her iointure, & de  
maund her dower at the  
common law: But if it be  
made before marriage, then  
shee may not refuse such  
ioint

ioynture, nor haue dower according to the common law, unless that when she bringeth her writ of Dower, the defendant pleadeth such a plea that will not barre her of her dower, she shall be endowed: As if hee say in barre, that her husband was not seised of such estate whereof shee might be endowed, or any such plea, & doth not shewe that shee hath a ioynture made &c. and therefore demandeth iudgement of that action, or iudgement if she shall be also endowed, or any such like plea &c. And this was the opinion of the right worshipful Maist. Brograve, at his Reading in Graues June in summer Añ 1567. 18. El. upō a branch of the statute made Añ 27. H. 8. c. 10. concerning ioyntures & dowers.

And by him of those things whereof a woman may be endowed, shee may haue ioynture, as of mines, vesturam terræ, woodes, Colonies, Isles, meadowes, and such like. Also of an aduowson, of a reuerſion depending vpon

ioynture, ne auer dower accordant al common ley, sinon que quant el port sa bñ de Dower, le defendant plede tiel plee que ne voile luy barrer de sa dower, dōques el serra endowe: Si come il dis en barre, que sa baron ne fuit seisie de tiel estate de quel el doit este endowe, ou ascunt tiel plee, & ne monstre que el ad vn ioynture fait &c. & pur ceo demāde iudgement de cel action, ou iudgement si el serra auxy endow, ou ascū tiel semblable plee &c. Et ceo fuit l'opiniō de le droit worshipfull M. Brograve, al son lecture en Graues Inne en Summer Añ 1567. 18. Eliz. sur vn braunch del statute fait Añ 27. H. 8. cap. 10. concernant Ioyntures & dowers.

Et per luy de ceux choses de que vn feme poyt este endowe, el poit auer vn ioynture, come de Mines, vesturam terræ, boyes, villes, Iles, incadows, & tiels semblables. Item dun aduowson, dun reuerſion dependant sur vn

## The Exposition of

vn estate pur vie, de vn Windmill, vn hault chamber, vn Rectorie, & tiels auters, & ils sont appellees tenements. Item dun vilein, car il est hereditamēt. Et de tous ceux profit poit vener al fem. Mes de ceux choses de que nul pfit voit vener, mes plus tost vn charge, vn ioynture ne poit estre fait.

an estate for life, of a windmill, an high chamber, a Rectorie, and such other, and they are called tenements. Also of a villein, for he is an hereditament. And of all these profit may come to the woman. But of those things whereof no profit will come, but rather a charge, a iointure cannot be made.

L.

288

*Larceny.*

**L** Arceny, est vn torcious prisel des biens de vn auter home, mes neiny de son person, oue vn ment de eux embleer, encoune son volunt que biens ils faeront.

Et Larceny est vn deux sorts: lun issint appel simplement, & laus petit Larcenie.

Le primer est, lou le chose emblee exceda le value de xij. d. & ceo est felony.

Le auter (que est appelle petit Larcenie) est lou le chose emblee, ne exceda le value de xij. d. & ceo nest felony.

L.

*Theft.*

**T** Heft, is a wrongful taking away of an other mans goods, but not fro his person, with a minde to steale them, against his will whose goods they were.

And theft is in two sorts, the one so called simply, & the other petit or little theft.

The first is where the thing stolen exceedeth the value of xij. d. and that is felony.

The other (which is called little or petite theft) is where the thing stolen doeth not exceed the value of xij. d. & that is no felony.

Lastage

129 *Leasage.*

**L** Aſſage, that is to bee quite of a certaine cuſtome exacted in faires & Markets for carrying of things where a man will.

130 *Leases.*

**L** Eases, be graunts or demises by one which hath an estate in any hereditaments, of those hereditaments to an other for a lesser time, and they be in diuers maners, that is to say, for terme of life, for terme of yeares, for terme of an others life, & at will.

Also a lease of land is as good without deede as with deede.

But in a lease for terme of life, it behoueth to giue liuerie and seisin vpon the land, or else nothing shall passe by the grant, because that they bee called freeholdes.

Also a lease of a common or rent, may not be good without deed.

But of a Parsonage which hath glebe, it is good without deede, for that that the glebe of the church which is the principall, may passe well enough

*Leasage.*

**L** Aſſage, hoc est quietum esse de quadam consuetudine exacta in Nundinis & Mercatis pro rebus cariandis ubi homo vult.

*Leases.*

**L** Eases, sont graunts ou demises per vn que ad aucun estat en hereditaments, de ceux hereditaments al autre pur meinder temps, & ceo sont en diuers maners, cest a scauoir, pur terme de vie, pur terme de ans, pur terme d'auter vie, & a volunt.

Auxy vn lease de terre est auxy bone sans fait come per fait.

Mes en lease pur terme de vie, il couient de doner liuerie & seisin sur le terre ou autrement riens passera per le graunt, pur ceo que ils sont appellez franktenements.

Auxy vn leas de vn common ou rent, ne poit estre bone sans fait.

Mes de vn Parsonage que ad glebe, il est bone sans fait, pur ceo que le glebe de le Eglise que est le principal, poit assers bien passer sans

## The Exposition of

sans fait, & issint les dismes & offeringes que sont come accessarie al Eglise.

Mes dismes & offerings per soy, ne poyent estre lesses sans fait, vt dicitur.

291 *Lessor & Lessee.*

**L**essor, est celuy que lessa terres ou tenements al auter pur terme de vie, ans, ou al volunt. Et celuy a que le lease est fait, est appeile Lessee.

292 *Leuant & Couchant.*

**L**euant & Couchant, est dit, quant les beailes ou cattell dun estranger sont venue en le terre dun auter home, & la ont remaine vn certeine bone space de temps.

293 *Ley.*

**L**ey, est quant action de Dette est portee vers vn sur aucun secret agreement ou contract ew perenter les parties sans especialtie monstre, ou auter matter de record: come en vn action de Detinue pur aucun biens ou chattels acōmoda ou relinque oue le defendant, donques le defendant poit gager son ley, sil voile, cest alcauoir, de

without deede, and so the dismes & offerings which bee as accessarie to the Church.

But dismes & offerings by them self may not be let without deede, as it is said.

*Lessor & Lessee.*

**L**essor, is he that letteth lands or tenements to an other for terme of life, yeares, or at will: And he to whom the lease is made, is called Lessee.

*Leuant & Couchant.*

**L**euant & Couchant, is said, when the beastes or cattell of a stranger are come into an other mans ground, and there haue remained a certaine good space of time.

*Ley.*

**L**ey, is when an action of debt is brought against one vpon some secret agreement or contract had between the parties without especialty shewed, or other matter of record: as in an action of Detinue for some goods or chattels lent or left with the defendant, then the defendant may wage his law, if hee will, that is to say, to swear



swear vpon a booke, and certain persons with him, that hee detaineth nor the goods, or oweth nothing to the plaintife in maner & forme as he hath declared.

And it is allowed onely in cases of secrecy, where the plaintife cannot proue the surmise of his suite by any deede or open acte: or the defendant might discharge it priuily betweene them, without any witting of acquittance, or publique acte: And therefore in an action of debt vpon a lease for terme of yeares, or vpon arrears of accompt before auditors assigned a man shal not wage his law.

But whē one shall wage his law, he shal bring with him 6. 8. or 12. of his neighbors, as the Court shall assigne him, to swear with him, much like vnto the othe which they make which are vsed in the Etwill law, to purge others of any crime laied against them, which are called cō-purgators.

Note that the offer to make the oath is called wager of Law, and when

iurer sur vn Lieur, & certaine persons oue luy, que il ne detaine les biens, ou doit riens al plaintife en maner & forme com il ad declare.

Et cest allowe solement en cases de secrecy, ou le plaintife ne poit prouer le surmise de son suit per aucun fait, ou ouert acte: ou le defendant poyt ceo discharge secretment perenter eux sauns aucun escript de acquittance, ou publique acte. Et pur ceo en action de Debt sur vn lease pur terme dans, ou sur arrerages de accompt deuaunt Auditors assigne, home ne gagera son ley.

Mes quant vn gagera son ley, il amesnera ouesq; luy 6, 8. ou 12. de ses vicines, come le Court luy assignera, de iurer ouesque luy, mult semble al seremt que eux fesoient que sont vses en le Ciuil ley, de purger auis de aucun crime al eux impure, que sont appel cō-purgators.

Nota que le offer de faire le serement est appel le gager del ley, & quauant

## The Exposition of

il est accomplish, donques  
est appel, le fessans delley.

it is accomplished, then is  
it called, the doing of your  
law.

Et auxi si le Vicount en  
ascun action retourne que il  
eit summon le defendaunt  
de appearer en Court a al-  
cun iour a respōd le plains-  
tife, a quel iour il fait defalt  
procelle serra agarde vers  
luy de vener & saue, ou ex-  
cuse son default: que est a  
tant a dire, come purgare  
moram, ou auterment de  
perder le chose demandaunt:  
Et donques le defendaunt  
vient & voit iurer que il ne  
fuit summon, que est appel  
gager deley, donques il  
doit ceo faire al iour as-  
signe oue xij. auters: Et  
en fesaunt delley il doyt  
sur son serement affir-  
mer directement al con-  
trarie de ceo que est im-  
pute a luy, Mes le au-  
ters ne dirra, mes que  
eux entende que il dit le  
veritie.

And also if the Sherife  
in any action retourne, that  
he hath summoned the de-  
fendant to appere in court  
at any day, to answer the  
plaintife, at which day hee  
maketh default, procelle  
shall bee awarded against  
him to come & saue, or ex-  
cuse his default: which is  
as much to say, as to ex-  
cuse the delay, or otherwise  
to loose the thing deman-  
ded: And then the defen-  
dant commeth & wil swere  
that hee was not summo-  
ned, which is called wa-  
ging of law, then he ought  
to do it at the day assigned  
with xij. others: And in  
doing of his law, he ought  
vpon his oathe to affirme  
directly the contrary of that  
which is imputed to him,  
But the others shall not  
say, but that they thinke  
that he saith the truth.

294 *Libertate probanda.*

*Libertate probanda.*

**L**ibertate probanda, vide  
de ceo en le title de Nas-  
tuo habendo.

**L**ibertate probanda, look  
for that in the title of  
Natiuo habendo.

295

*Limitation.*

**L**imitatio is an assignement of a space or time, within which, he that will sue for any lands or hereditaments, ought to proue that hee or his auncestor was seised of the thing demanded, or otherwise hee shall not maintaine his suite or action, which assignments bee made by diuers statutes, whereof the last was an 32. H. 8. c. 2.

296

*Linerie of seisin.*

**L**uerie of seisin, is a ceremony vsed in conveyance of lands or tenements where an estate in fee simple, fee taile, or a freeholde shal passe: and it is a testimony all of the willing departing by him who makes the liuerie from the thing whereof liuerie is made: And the receiuing of the liuerie, is a willing acceptace by the other partie, of all that whereof the other hath dismissed him: selfe: And was inuented as an open and notorious thing, by meanes whereof the common people might haue knowledge of the passing or alteration

*Limitation.*

**L**imitation est vn assignement de space ou temps, deins quel, celly, que voile suer pur aucuns terres ou hereditaments, doit prouuer que il ou son auncester fuit seisi del chose demand, ou autrement ne maintiendra son suite ou action, quel assignements sont faites per diuers statutes, darreinement per 32. H. 8. cap. 2.

*Linerie de seisin.*

**L**uerie de seisin, est vn ceremonie vñe en conveyance de terres ou tenements lou vn estare en fee simple, fee taile, ou vn franktenement passera: Et il est vn tesmoigne de le voluntarie departing per luy que fait le liuerie del chose de que liuery est fait: Et le rescet del liuerie est vn voluntarie acceptance per le autre partie, de tout ceo de que autre ad luy dismisle. Et fuit inuent come vn ouert & notorius chose, per meanes de que le common people poyent auer intelligence de passing ou alteration

Rij

de

## The Exposition of

de estates de home al hōe,  
que per ceo ils poient estre  
le meliour able pur trier en  
que le droit & possession  
de terres & tenements su-  
eront, fils doyent estre im-  
panel & iures, ou autrement  
ont a faire concernant  
ceo.

Le common manner de  
liuerie de seyfin, est en cest  
sort fait: Si il soit en le  
ouert champ ou ne sont  
edifices, ou meason, don-  
ques vn que poyt l'yer  
prist le fait en son maine,  
si le state passera per fait,  
& declare al eux que la  
font, le cause de leur ven-  
ner la ensemble, & don-  
ques ouertmēt lya le fait,  
ou declare le effect de ceo  
en Engloys & apres que il  
est seale le partie que est a  
departer oue le terre, prist  
le fait en ses mains ense-  
mble oue lque vn clodde del  
terre, & vn twigge ou  
bow, si y ad aucun la,  
& tout ceo il deliuer al au-  
terpartie, en le nosme  
de possession ou seyfin  
accordaunt al fourme &  
effect del fait, que de-

of estates from mā to mā,  
that there by they might be  
the better able to try in  
whom the right & posses-  
sion of landes and tene-  
ments were, if they should  
be impaneled in Iuries,  
or otherwise haue to doe  
concerning the same.

The common manner of  
deliuerie of seisin is after  
this sort done: If it bee  
in the open field where is  
no building or house, then  
one that can reade, taketh  
the wyting in his hand,  
if the estate shall passe by  
deede, and declareth to the  
standers by the cause of  
their meeting there toge-  
ther &c. & then openly rea-  
deth h̄ deede, or declareth h̄  
effect thereof in English,  
& after that is sealed, the  
partie, who is to depart  
from the ground, taketh h̄  
deede in his hands together  
with a clodde of the earth,  
and a twigge or bough if  
any be there. and all this  
hee deliuereth to the other  
partie in the name of pos-  
session or seisin, accor-  
ding to the forme & effect  
of the deede which before  
them

them was there read or declared. But if there bee a dwellinghouse or building upon the land, the this is done there at the doore of the same, none being left at that time within the house, and the partie deliuereth all the aforesaid together with the ring of the doore in the name of seisin or possession, and he that receiveth the liuerie entreth in first alone, and shutteth too the doore, and presently openeth it again, and letteth them in &c. If it be of a house where to is no land or ground, the liuerie is made, and possession taken by the deliuerie of the ring of the doore and deed only. And where it is without deede, either of landes or tenementes, there the partie declareth by word of mouth before witnesse, the estate that he meaneth to depart with, and then deliuereth seisin or possession in manner as is before said: and so the land or tenement doth passe as wel where there is no deed, as by deed, & that by force of the liuerie of seisin:

uant eux fuit la lye ou declare. Mes sil soit vn habitation ou edifice sur le terre, donques ceo est fait la a le doore del ceo, nul esteant relinquis a cest temps deins le meason, & le partie deliuer tout les auaunt dits ensemble ouesque le annell del doore en nosme de seysin ou possession, & il que receyua le liuerie entra primes sole, & shutta le doore, & presentement ouert ceo, & lesa eux eins &c. Sil soyt de vn meason a que est nul terre, le liuerie est fait & possession pryse per le deliuerie del annell de le doore & fayt solement. Et ou il est sans fayt de terres ou tenementes, la le partie declare per parol deuaunt tesnoignes, le estate ouesque il entende de departir, & donques deliuer seisin ou possession en manner come est auaunt dit: & issint le terre ou tenement passera ciblyen lou il nad fayt, come per fayt, & ceo per force del liuerie de seysine:

The Exposition of

Il fuit agree en Grayes  
Inne per le droyt Wor-  
shipfull maister Snagge, al  
son lecture la en sommer  
Anno. 1574. que si vn feof-  
four deliuer le fait en view  
del terre, en nosme de sei-  
sin, que il est bone, pur ceo  
que il ad vn possession en  
luy mesme. Mes auter-  
ment est dun Atturney, car  
il doyt aler al terre, & prile  
possession luy mesme, de-  
uaunt que il poyt doner  
possession al auter, accor-  
dant al parolx de son gar-  
rant &c. Et lou liuerie de  
seisin est per le view, si le  
feoffee ne entra pas puis  
&c. nul chose passa, car il  
doyt enter en fait.

297 *Lotherwit.*

**L**Otherwit, hoc est quod  
capiatis emendas ab ip-  
so qui corrumpit vestram  
natiuam sine licentia ve-  
stra.

*M.*

298 *Mahim ou Maim.*

**M**Ahim, est lou per le  
torcious act d'auter, as-  
cun member est dampni-  
fie ou tolle, per que le par-  
tie illint dampnifie est faye

It was agreed in Grayes  
Inne by the right Wor-  
shipfull M. Snagge, at  
his reading there in sum-  
mer Anno. 1574. that if a  
feoffor deliuer the deed in  
viewe of the land, in name  
of seisin that it is good, be-  
cause that hee hath a pos-  
session in himselfe. But o-  
therwise it is of an Attur-  
ney, for he must goe to the  
land, and take possession  
himselfe, befoze that he can  
giue possession to another,  
according to the words of  
his Warrant &c. And  
where liuerie of seisin is  
by view, if the feoffee doe  
not enter after &c. nothing  
passeth, for he ought to en-  
ter indeed.

*Lotherwite.*

**L**Otherwite, that is, that  
you may take amendes  
of him which doeth defile  
your bondwoma without  
your licence.

*M.*

*Mahim or Maim.*

**M**Ahim, is where by the  
wrongfull act of ano-  
ther, any member is hurt  
or taken away, where by  
the party so hurt is made  
vniperfect

imperfect to fight: As if a bone bee taken out of the head: or a bone be broken in any other part of the body: or a foot, or hand, or finger, or joint of a foot, or any member bee cut: or by some wound the sinewes be made to shrink, or other member, or the fingers made crooked, or if any eye be put out, or the foreteeth broken, or any other thing hurt in a mans body, by means wherof hee is made the lesse able to defend himself, or offend his enemy.

imperfect a combat: Come si vn oile soyt prise hors del test: ou vn oile soyt desbruse en aucun autr part del corps, ou vn pee, ou main, ou digit, ou joint dun pee, ou aucun member soit icy: ou par asc' plage les nerues sont fait de shrinker, ou auter member, ou les digits fait curue, ou si vn oile soyt mise hors, ou les anteor dentes debruse, par aucun auter chose en le corps dun hom, par raison de quel il est fait le meins able pur defender luy m, ou offend son enemy.

But the cutting off of an eare or nose, or breaking of the hinder teeth, or such like, is no mayhym, because it is rather a deformitie of the body, then diminishing of strength, and that is commonly tried by beholding the parte by the Iustices. And if the Iustices stand in doubt whether the hurt be a Mayhim or not, they vse and will of their great discretion take the helpe and opinion of some skilfull Surgeon, to consider

Mes le scier dun de vn orial, ou nase, ou lenfrend del dents moliers, ou tiels semblables nest asc' Mayhem, pur ceo q il est pluvs vn deformitie de le corps, que vn defect del strength, & ceo est communement try per le inspection del partie per les Iustices. Et si les Iustices sont e doubte si le dam soyt vn Mayhim ou nemy, ils vse, & voylent de lour graunde discretion prender le ayde & opinion de aucun crudite Surgeon, p consider



de ceo deuant que ils determine sur le case.

299 *Mainprise.*

**M**Ainprise, est quant vn home est arreſt p Capias, donq; les Iudges pui-ent deliũ son corps a certayne homes pur garder & de luy amefner deuant eux a certeine iour, & ceux sont appels maynpernors, & si le party ne appeare al iour assigne, les mainpernours ſeront amercie.

300 *Mannour.*

**M**Annour, est vn chose compound de diuers choses, come de vn meason, terre errable, pasture, pree, boys, rent, aduowson, Court baron, & tiel semblables queux font vn manor. Et ceo doyt estre p antient continuance de tẽps, cuius contrariũ memoria hominum non existat: car a ceo iour vn mannour ne poit estre fait pur ceo q vn Court baron ne poit estre fait a ore, & vn manor ne poyt estre sauns vn Court baron & suiters ou franktenants, deux al meins, car si toutes les franktenements forsque vn escheate

thereof befoze they determine vpon the case.

*Mainprise.*

**M**Ainprise, is whẽ a mā is arrested by Capias, then the Iudge may deliuer his body to certain mē for to keepe & to bring him befoze them, at a certayne day, and theſe bee called mainpernors, & if the party appeare not at the day assigned, the mainpernors ſhalbe amerced.

*Mannour.*

**M**Annour, is a thing compounde of diuers things, as of a house, land arrable, Pasture, Meadow, woode, rent, aduowson, Court baron, & such like, which make a manor: And this ought to bee by long continuance of time, to the contrary whereof mā's memorie cannot diſterne: for at this day a mannour cannot bee made, because a Court baron, cannot now bee made, and a mannour cannot be without a Court baron, and suiters or freeholders, two at the least, for if all the freeholders except one escheate

to

to the Lord, or if hee purchase all except one, there his manor is gon, so that it cannot be a manor without a court Baron (as is aforesaid.) And a Court Baron cannot bee holden but before suitors, and not before one suter, a therfore where but one freehold or freeholder is, there cannot be a manour properly, although in common speech it may be called a manor.

301 Manumission.

**M**ANUMISSION, is the making of a bondman to be a freeman, & may bee in two sorts, the one is manumission expressed, the other a manumission implied or secret.

Manumission expressed is where the Lord maketh a deed to his villedin to enfranchise him by this word (Manumittere) which is as much to say, as to let one go out of another mans hands or power.

The manner of Manumitting or enfranchising in olde time most vsually was thus: The Lord (in presence of his neighbours) took the bondman

al Sñr, ou sil purchase tous preter vn, la son manor est ale, pur ceo q'il ne pöit estre vn manor sans vn Court Baron (come auant dit.) Et vn Court baron ne peut estre tenu mes deuant suters, & nemy deuant vn suter, & i deo lou forsq; vn franktenant ou franktenant est, la ne peut estre manor pperment coment en common parlans ceo peut estre appel vn manor.

*Manumission.*

**M**ANUMISSION, est le faisant d'un vilain de libre franke, & peut estre en deux sorts, le vn est vn manumission explicite, l'autre vn manumission implicite.

Manumission explicite est quant le Sñr fait vn fait al son vilain par luy enfranchiser par cest parol (Manumittere) quod idem est, quod extra manū, vel extra potestatem alterius ponere,

Le manner de Manumitting ou enfranchising en temps passe plus vsuellement fuit ainsi: Le Seigneur (en presence de ses voisins) prist le villein per

## The Exposition of

per le test disant, Ieo voile  
que cest home soit franke,  
& oue ceo il luy mise a-  
uant hors de ses maines, &  
per ceo il fuit franke sauns  
ascun plus faire.

Manumission implicite  
sans ce parol (Manumitte-  
re) est quant le S<sup>r</sup> fait vn  
obligation a son villein a  
payer a luy money al vn  
certayne iour, ou luy sue  
lou il poyt enter sans suite  
ou graunt al son villein vn  
annuity, ou lessa teite a luy  
per fait pur ans, ou pur vie,  
& en diuers tiels sembla-  
bles cases, le villein p ceo  
est fait franke.

by the head, saying, I will  
that this man be free, and  
therewith shewed him for-  
ward out of his hands, &  
by this hee was free with-  
out more a doo.

Manumission implied  
without this word (Ma-  
numittere) is when the  
Lord maketh an obligati-  
on to his villein to pay  
him money at a certaine  
day, or sueth him where he  
might enter without suite,  
or granteth vnto his vil-  
lein an annuities, or leaseth  
land to him by deede for  
yeares, or for life, in di-  
uers such like cases, & vil-  
leine thereby is made free.

302

### Maximes.

**M**Aximes sont les foun-  
dations de l'ey, & les  
conclusions de reason, &  
sont causes efficient &  
certaine vniuersall propo-  
sitions, cy sure & perfect  
que ils ne poyent este a  
ascun temps impeache ou  
impugne, mes doyent  
touts foirs este obserue &  
tenus come fort princi-  
ples & auctorities de  
luy mesme, nient obstant

### Maximes.

**M**Aximes be the founda-  
tions of the lawe, and  
the conclusions of reason,  
and are causes efficient,  
and certaine vniuersall  
propositions so sure and  
perfect, that they may not  
be at any time impeached,  
or impugned, but ought  
alwayes to be obserued  
& holden as strong princi-  
ples and auctorities of  
themselves, although  
they

they cannot bee proued by force of argument or demonstrations logical, but are knowne by induction by the way of sence and memorie: As for example, it is a Maxime, that if a man haue issue two sons by diuers women, and the one of them purchase lāds in fee, and dyeth without issue, the other brother shall neuer bee his heire &c.

Also it is another Maxime, that lands shall descend from the father to the sonne, but not from the sonne to the father, for that is an ascension &c. And diuers like there be, wherof see more in the Doctor and Student.

303

*Maynour.*

**M**Aynour, is when a theefe hath stolen, and is followed with hue and crie & taken, hauing that found about him which he stole, that is called the maynour. And so we commonly vse to say, when we find one doing of an unlawfull act, that wee tooke him with the maynour, or manner.

ils ne poyent este proué per force de argument ou demonstration logical, mes sont connus per induction per le voy de sence & memorie: Come pur exemple, il est vn Maxime, que si vn home ad illue deux fites per diuers venters, & le vn de eux purchase terres en fee & morust sans issue, l'auter fite ne vnques serra son heire &c.

Item il est vn aurer Maxime, que terres descendra del pere al fite, mes nemy del fite al pere, car ceo est vn ascension &c. Et diuers tiels semblables il y ad, dont veies plus en le Doctor & Student.

*Maynour.*

**M**Aynour, est quant vn laron ad emblee, & est pursue oue hue & crie & prise, ayant ceo troue ouesq; luy q'il ad emblee, ceo est appellé le maynour. Et issint nous communement vse pur dire quant nous trouomus vn fésant de vn illoyal act, que nous luy prist ouesque le maynour, ou manner.

*Main-*

## The Exposition of

### 304 *Maintenance.*

**M**Aintenance, est lou aſcun home done ou deliuer a vn auter que est plaintife ou defendant en aſcun action, aſcun ſomme d'argent, ou auter choſe pur maintenir ſon plea, ou fait extream labour pur luy quant il nad riens a ceo faire, donques l'auter partie greue auera vers luy vn brieſe appelle brieſe de Maintenance.

### 305 *Mefne.*

**M**Eſne, est lou le owner delterres ou tenemens ceux teigne de vn per cerreine ſeruices, & il ceux tenoit de vn auter per autiels ou aurer ſeruices, la ceſtuy que tient les terres est appell' tenat parauaile, & ceſtuy de que il teigne est appelle meſne, & ceſtuy de que le meſne tenoit est appelle Seignior paramount. Et en ceſt caſe ſi le Seignior paramount diſtraine le tenant pur le ſeruice le meſne que luy doit acquite al ſeignior paramount, donques le tenant auer vn brieſe vers le Meſne, que est appell' brieſe de

### *Maintenance.*

**M**Aintenance, is where any man giueth or deliuereth to an other that is plaintife or defendant in any action, any ſumme of money, or other thing for to maintain his plea, or els maketh extream labour for him when he hath nothing therewith to doe, then the partie griued ſhall haue againſt him a writ called a writ of Maintenance.

### *Mefne.*

**M**Eſne, is where the owner of landes or tenements holdeth of one by certayne ſeruices, and he holdeth them of an other by like or other ſeruices, then he which holdeth the lands is called tenat parauaile, and hee of whom it is held, is called Meſne, & hee of whome the Meſne holdeth, is called chiefe Lord. And in this caſe if the lord aboue diſtraineth the tenat for the ſeruice of the meſne, which ought to acquit him toſ lord aboue, then the tenant ſhall haue a writ againſt the Meſne, which is called a writ of Meſne

**Mesne**, & if he come not to acquit the tenant, then the Mesne shal lose the service of the tenāt, & shal be foreiudged of his seigniorie, & the tenant shal be tenant immediate to h̄ chief lord, and shal do the same service & suites as the Mesne did to the Lord.

Mesne, & si il ne vient pur acquiter le tenant, dunque le Mesne perdra le service le tenant, & serra foriudge de son seigniorie, & le tenant serra tenāt immediate al chiefe seignior, & serra mesmes les services & suites come le Mesne fist al Seignior.

306 *Misprison.*

**Misprison**, is when one knoweth that an other hath committed treason or felony, and will not discover him to the King, or to the Counsell, or to any Magistrate, but doth conceal h̄ same. Diuers other offences be called misprison: as when a Chapleyn had fixed an old seale of a Patent, to a new patent of Non-residence, and this was holden to be Misprison of Treason only, and no counterfeiting of the Kings seale.

Also if a man know money to be counterfeit, and bring the same out of Irelande hither into England, and utter it in payment, this is but Misprison

*Misprison.*

**Misprison**, est quant aucun sciet que vn autre ad fait Treason ou Felonie, & il ne voile luy decouuer al Roy, ou son Counsell, ou a aucun Magistrat, ens conceala son offence. Diuers autres offences sont appelle misprison: sicome vn Chapleine ad fixe vn auncient seale dun Patent, a vn nouel patent de Non-residence, & ceo fuit tenu de misprison de treason tantum, & nul counterfeiter del seale del Roy.

Item, si vn autre sciet money destre faux, & port ceo hors de Irelande en Engleterre, & viter ceo en payment, ceo est forsque Misprison

## The Exposition of

tion of Treason, & nemy Treason, & illint est en diuers tiels semblable cases.

Et en tous cases de Misprison de Treason, le partie offendour forfaietera ses biens a tous iours, & les profits de ses terres pur terme de son vie, & son corps al prison, al pleasure del Roy.

Et pur Misprison de felonie ou trespasse, le offendour serra commit al prison, tanqz il ad troue suerties ou pledges pur son fine, que serra assesse per le discretion de les Iustices deuant que il fait conuict.

Et nota, que en chescun Treason ou felonie, est include Misprison, & lou aucun ad fait Treason ou Felonie, le Roy poit caufer luy destre indite & arraigne forsques de Misprison solement sil voyle. Vide plus de ceo Stamf. lib. i.

Non of Treason, and no Treason, and so it is in diuers such like cases.

And in all cases of Misprison of Treason, the party offender shall forfait his goods for euer, & the profits of his landes for term of his life, & his body to prison at the Kings pleasure.

And for Misprison of felonie or trespasse, the offendour shalbe committed to prison, untill hee haue found suerties or pledges for his fine, which shall be assessed by the discretion of the Iustices befoze whom he was conuict.

And note, that in euery Treason or felonie is included Misprison, & where any hath committed treason or felony, the King may cause the same to be indicted & arraigned but of Misprison only if the wil. See more hereof Stamford his first booke.

307 *Monstrance de faits ou Recordes.*

**M**onstrance de faits ou Recordes, est, sicoe pur example, yn action de det

*Shewing of deeds or Recordes.*

**S**hewing of deeds or Recordes, is, as if for example, an action of debt be



bee brought against one  
vpon an obligatiō by one,  
or by executors &c. there  
after that the plaintiff hath  
declared, he ought to shew  
his obligation, & the execu-  
tor the testament to the  
court, & so it is of records.

And the diuersitie be-  
twene shewing of dedes  
or records, & hearing of  
dedes or records, is thus :  
he that pleads the deed or  
record, or declares vpon it,  
to him it doth appertain to  
shew the same. And the o-  
ther against whome such  
deed or record is pleaded,  
or declared, & is thereby to  
be charged may demaund  
hearing of the same dede,  
or record, which his ad-  
uersary bringeth, or plea-  
deth against him.

308 Mordauncestler.

**M**ordauncestler, Locke  
for that before in the is-  
sle Cofinage.

309 Monstrauerunt.

**M**onstrauerunt, is a writ  
and it lyeth for the te-  
nants in auncient demesne,  
and is directed vnto the  
Lord, him commaunding  
that he distrain not his te-  
nant for to do other seruice

soit port enuers vn sur vn  
obligation p vn, ou per ex-  
ecutors &c. la apres que le  
plaintife ad declare, il doit  
monstre son obligation, &  
le executor le testament al  
Court, & issint est de Re-  
cords.

Et le diuersite perenter  
monstrance de faits ou res-  
cords, & oier de faits ou re-  
cords, est issint. il q plede  
le fait ou record, ou declaie  
sur ceo, a luy il appertayne  
de monstre ceo. Et l'auter  
vers que tiel fait ou record  
est plede ou declare, & est  
p ceo destte charge, poyt  
demaund oyer de ceo fait  
ou record, que son aduer-  
sary port, ou pleade vers  
luy.

*Mordauncestler.*

**M**ordauncestler, vide de  
ceo deuant en le title  
Cofinage.

*Monstrauerunt.*

**M**onstrauerunt, est vn  
briefe, & gill pur le te-  
nant an auncient demesne,  
& est direct al Seigni-  
our, luy commaundant  
que il ne distraine son te-  
nant pur faire auter seruice  
que

### The Exposition of

que faire ne duisoit, & ils  
poyent auer cest bñe direct  
al vicount, q̄ il ne suffer le  
Sñr a distraire les dits te-  
nants pur faire au service.

Auxy files tenants ne  
poient este en quier, ils  
poyent au vn Attachment  
vers le Seignior d'appareer  
deuāt les Iustices, & tous  
les nosmes des tenants ser-  
ront mise en le bñe, comēt  
q̄ forsq; vn de eux soit greū  
solemēt.

Auxy si ascun terē en an-  
tient demesne soit en vari-  
ance enter les tenants, dō-  
q̄s le tenant issint greue a-  
uera vers au bñe quod vo-  
catur Droit close secundū  
consuetudinē manerij, &  
ceo serē tous foirs port en  
le court le Sñr, & sur ceo il  
countēra en le nature de  
q̄l bñ il voi, come son case  
gift & cest bñe ne serra re-  
moue sinon pur grand  
cause ou non power de le  
Court.

Auxy si le Seignior en  
auter lieu hors de aunci-  
ent demesne distraine son  
tenāt de faire auter service

that he ought not to doe, &  
they may haue this Writ  
directed to the Sheriffe, that  
hee suffer not the Lord to  
distraine the said tenants  
for to do other service.

Also if the tenants can-  
not be in quiet, they may  
haue an Attachment a-  
gainst the Lord to appear  
before the Justices, and al  
the names of the tenants  
shal be put in that Writte,  
though but one of them be  
grieved onely.

Also if any lands in an-  
tient demesne bee in vari-  
ance between the tenants,  
then the tenant so grieved  
shal haue against the other  
a writ which is called of  
Right close after the custō  
of the manor, and that shal  
bee alway brought in the  
Lords court, and thereup-  
on he shal declare in q̄ na-  
ture of what writ he wil,  
as his case lieth, and this  
writ shal not bee remoued,  
but for a great cause, or no  
power of the Court.

Also if the Lord in an  
other place out of aunci-  
ent demesne distraine his  
tenant to do other service  
then

then he ought, he shal haue  
a writ of right, called Ne  
inult vexes, and it is a  
writ of right patent which  
shall be tried by battell or  
graund assise.

que il ne doit, il auera brief  
de droit, appelle Ne in-  
iuste vexes, & cest vn brief  
de droyt patent que se tra-  
tie per bataille ou graund  
assise.

310 Mortgage, or  
Morgage.

Mortgage ou Morgage.

**M**ORTGAGE, or Morgage  
is when a man maketh  
a feoffment to an other  
on such condition, that if  
the feoffor pay to the feof-  
fee at a certaine day xl. li.  
of money, that then the  
feoffor may reenter &c. in  
this case the feoffee is cal-  
led tenant in Mortgage.  
And as a man may make  
a feoffment in fee in mor-  
gage, so hee may make a  
gift in taile, or a lease for  
terme of life, or for terme  
of yeeres in Mortgage.  
And it seemeth that the  
cause why it is called  
Mortgage, is for that it  
standeth in doubt, whe-  
ther the feoffor will pay  
the money at the day ap-  
pointed or not, and if he  
faile to pay, then the land  
which he hath in gage vpon  
condition of paymēt of the  
money, is gone from him

**M**ORTGAGE, ou Morgage  
est quauant vn fait vn  
feoffment a vn autre sur  
tel condition, que si le  
feoffour paya al feoffee a  
certain iour xl. li. dargēt,  
que a donques le feoffour  
poyt reenter &c. en ceo  
calle le feoffee est apel te-  
nant en Morgage. Et si  
come vn home poit faire  
feoffment en fee en mor-  
gage, il lunt il poyt fayre  
done en le taile, ou lease  
pur terme de vie, ou pur  
terme dans en Morgage.  
Et il semble que la cause  
purque il est appel Mort-  
gage, est pur ceo que il  
estoit en aweroult, si le  
feoffour voyle payer al  
iour limitte le argent ou  
non, & si il ne paya  
pas, donques le terre  
que il mist en gage sur  
condition de paiement de  
le money, est ale de luy

# The Exposition of

a tous iours, & issint mort  
a luy sur condition: mes si  
il paira le money, donques  
est le gage mort quant a le  
renaunt, cest alcauoir, le  
feoffee, & pur cest cause il  
est appel en latin, Mortu-  
um vadum, come Maister  
Littleton dit, ou mortuum  
vas, come ieo pense.

Auxy si feoffement soyt  
fait en Morgage sur con-  
dition, que si le feoffour  
paya tiel somme a tiel  
iour & c. & le feoffor mo-  
rust deuant le iour, vn-  
core si l'heire le feoffor paia  
mesme le somme a mesme  
le iour al feoffee, & le  
feoffee ceo refusa, dōques  
le heire le feoffour poit en-  
ter: Mes en tiel case, si ne  
soit aucun iour de paiement  
expresse, donques tiel ten-  
der del heire est voide,  
pur ceo que quant le feof-  
for morust, le temps del  
tender est passe, ou auter-  
ment les heires le feoffor  
aueront temps del tender  
a tous iours, que serra  
inconuenient, que vn aue-  
ra vn fee simple a luy & a  
ses heires que serra defe-  
sible tous foits a le plea-  
sure & volunt de auters,

for euer, & so dead to him  
vpon condition: but if hee  
pay the money, then is the  
gage dead as to the tenāt,  
that is to say, the feoffee,  
and for this cause it is cal-  
led in latin, Mortuum va-  
dium, as **Maister** Littleton  
saith, or rather mortuum  
vas, as I thinke.

Also if a feoffement bee  
made in Morgage vpon  
condition, that if the fessor  
pay such a summe at such  
a day & c. and the feoffor  
die before the day, yet if  
the heire of the feoffor pay  
the same sum at the same  
day to the feoffee, and the  
feoffee refuseth it, then the  
heire of the feoffor may en-  
ter: But in such a case, if  
there be no day of paiement  
expressed, then such tender  
of the heire is boide, for  
that that when the feoffor  
dieth, the time of tender is  
past, or otherwise the heires  
of the feoffor shall haue  
time of the tender for euer,  
which shall be inconueni-  
ent, that one shall haue a  
fee simple to him and to  
his heires which shall bee  
defensible alwaies at the  
pleasure & will of others,  
but

but in þe first case the time  
of tender was not expired  
by the death of the feoffor.

mes en le primer case le  
temps del tender ne fuit  
expire p la mort le feoffor.

311 Moderata miseri-  
cordia.

*Moderata miseri-  
cordia.*

**M**oderata misericordia,  
is a Writ, and is lyeth  
where a man is amerced  
in Court baron or Counte,  
more then hee ought to be,  
thē he shall haue this writ  
directed to the Sherife if  
it be in the county or to the  
bailife if it be in the Court  
baron, commanding them  
that they amerce him not,  
but hauing regard to the  
quantite of the trespassse, &  
if they doe not vnder this  
Writ, then shall go forth  
against them, a sicut alias,  
& Causam nobis significes,  
and after that an attache-  
ment.

**M**oderata misericordia,  
est vn brieve & gill lou  
home est amercy en court  
Baron ou County plus que  
deuer este, donques il auer  
ce st brieve direct al Vicont  
si soyt en county, ou al bai-  
life si soyt en Court baron,  
eux commā dant que ils ne  
luy amerciont, mes eient  
regarde al quantity de tres-  
pas, & s'ils ne font sur cel  
bē, donques il sera vers eux  
vn sicut alias, & causam  
nobis significes, & apres  
ceo vn attachement.

312 Mortmaine.

*Mortmaine.*

**M**ortmaine, is where  
Lande is giuen to a  
house of religion, or to an  
other company which bee  
corporate by King's year,  
then the land is come into  
mortmaine, that is to say  
in Englishe, vtan hand, &  
then the King, or the Lord  
of whom the land is hol-

**M**ortmain est lou terres  
sont dones a vn meas-  
son de religion, ou a vn aut  
company que sont corpo-  
rate per le grant le Roy,  
donque cest tē est deue-  
nus en mortmaine, cest a-  
dire en Angloys a dead  
hand, & donque le Roy ou  
le Sñr de que le tē est re-

S ij.

nus

## The Exposition of

nus poit enter come ap-  
piert en lestatute de Religi-  
osis, ideo vide lestatute.  
Auxil si vn fait feoffement  
sur confidence a certaine  
pçons al oepe de vn mea-  
son de religion, ou oepe de  
ascun gylde ou fraternitie  
corporate, donq il serra dit  
mortmaine, & il encourage  
mesme le paine, vt patet p  
statute Anno 15. R. 2.

den, may enter as it appea-  
reth by the statute de Reli-  
giosis, Therefore see the  
statute. Also if one make a  
feoffement vpon trust to  
certaine persons to the vse  
of a house of Religion, or  
to the vse of any gylde or  
fraternitie corporate, then  
it shalbe said Mortmaine,  
& then hee shall run in the  
same paine, as it appeareth  
by the stat. 15. R. 2.

313 *Mulier.*

**M**ulier, est vn parol vse  
en nostre ley, mes con-  
apment, ico ne poy dire  
ne scay bien, Car accordat  
al proper significatiō, Mu-  
lier est fœmina corrupta,  
sicome il est vse per *Ulpia-  
nus*, en vn certaine lieu en  
tiel maner. Quod si ego  
me virginem emere puta-  
rẽ cum esset mulier, emp-  
tio non valebit. Per ceo  
poyes voyer, que mulier est  
vn feme que ad ewe le cō-  
pany dun home; Mea a re-  
linquisher le droyt signifi-  
cation, Mulier est prise en  
nostre ley, pur vn q̄ est loy-  
alment engender & nec, &  
est tous dits vse en com-  
parison ouesque vn bas-

*Mulier.*

**M**ulier, is a word bled in  
our law, but how aptly  
I cannot well learne: for  
according to proper sig-  
nification, mulier is a de-  
filed woman, like as it is  
bled by *Ulpianus* in a cer-  
taine place after this sort.  
If I thought that I had  
bought a virgin, when she  
was a defiled woman, the  
bargaine was not good.  
Hereby you may see, that  
mulier is a woman q̄ hath  
had the company of a man.  
But to leaue the right sig-  
nification, mulier is taken  
in our law for one that is  
lawfully begotten & boyn:  
and is alwayes bled in  
comparison with a bas-  
tard,

**B**ard, onely to shew a difference betwene them, as thus for example. A man hath a sonne of a woman before marriage, that is called a bastard, and unlawfull. And after hee marieth the mother of the bastard, and they haue another sonne, this seconde sonne is called Mulier, that is to say lawfull, and shall be heire to his father: but the other cannot bee heire to any man, because it is not knowne nor certain in the iudgement of the law who was his father, and for that cause is said to be no mans sonne, or the son of the people, and so without father, according to these old verses.

To whom the people father is, to him is father none and all,

To whom the people father is, well fatherlesse we may him call.

And alwayes you shall find this addition to them (Bastard eldest, and mulier youngest,) when they be compared together.

tard solement pur monstre vn difference parenter eux, come pur exemple. Vn hōc ad vn firs per vn feme deuant mariage, cest issue est appel vn bastarde & illoyall. Et apres il marry oue le mier del bastarde, & ont vn auter firs, cest second firs est appel Mulier, cest adyre loyali, & serra heire al son pere: mes le auter ne poyt este heyre al ascun home, pur ceo que il nest conus ne certaine en le iudgement del ley, que fuit son pere, & pur cest cause est dit, desle nullius filius, ou filius populi, & issint sans pere accordant al cestuy viele verses.

Cui pater est populus,  
pater est sibi nullus & omnis.

Cui pater est populus,  
non habet ipse patrem.

Et tous foits vous troueres cest addition al eux (Bastard eigne, & Mulier puisne) quant ils sont compare ensemble.



# The Exposition of

## 314 Murder.

**M**Vrder est vn voluntarie occider dun home sur malice prepenſe. & ſemble de venger de le Sax- on paroll Mordren que il ſint ſignifie. Et Mordridus eſt le murderer tanque al ceſt iour ent eux en Saxo- nie, de que nous auomus mults de noſtre parolx come ad eſtre ſouent dit. Ou poyt eſtre deriue de Mort & dire, quali mors dira. Vide Stamf. Plees de le Corone lib. 1.

## N

## 315 Natiuo habendo.

**N**Atiuo habendo eſt vn brieſe, & giſt lou le vil- leine ou nieſe dun Seigni- our eſt ale de luy, donques le Seignieur auera ceſt bre direct al Vicount, q il face le Seignieur auer ſon vil- lein ou nieſe ouſq; tous ſes chateux.

Auxy en ceſt brieſe plus fors villeines ou nieſes ne purront eſte demaundes que deux, mes auxy tantes des villeins ou nieſes que voſſent, ioyment poient porter brieſe De libertate probanda.

## Murder.

**M**Vrder is a wilfull kil- ling of a man by d malice forethought, and ſer- meth to come of the Saro word Mordren, which ſo ſignifieth: And Mordridus is the murderer euen un- til this day among the in Saxony from whence we haue moſt of our wordes, as hath bin often ſaid. Or it may be deriued of Mort & dire, as mors dira. See Stamf. Plees of the Crown lib. 1.

## N

## Natiuo habendo.

**N**Atiuo habendo, is a writ, and it lieth where the vitlein or nieſe of the Lord is gone from him, then the Lord ſhall haue this writ directed to y the riſe, that he make the lord to haue his vitlein or nieſe with all his goods.

Alſo in this writ more vitleines or nieſes may not bee demaunded then twaine, but as many vil- leins or nieſes as will, to witte may bring a Writ De libertate probanda.

**Also** if a villeine or niese  
hying his witt Delibera-  
re probanda; befoze that þ  
Lord hying his witt, then  
the villeine platnife shall  
be in peace till the cōming  
of the Justices, or els his  
Witt shall not helpe him.

**Also** if a villeine haue  
tarried in an auncient de-  
mesne one peare and a day  
without claime of the lord,  
then he cannot seise him in  
the said franchise.

316 *Ne admittas.*

**NE** admittas, is a Witt  
directed to the Bishop  
at the suite of one which is  
patron of any Church, &  
he doubteth that the Bi-  
shop will collate one his  
Clerke, or admit an other  
Clerke presented by ano-  
ther man to the same be-  
neffice: then hee that doub-  
teth it shall haue this witt  
to forbid the Sherife to  
collate or admytte any to  
that Church.

317 *Non omittas propter  
libertatem.*

**NON** omittas propter li-  
bertatem is a witt, and  
it lyeth where the Shirife  
returneth vpon a witt to  
him directed, that hee hath

Auxy si vn nief port briefe  
*De libertate probanda* auant  
que le Seignieur port cest  
briefe, donques le villeine  
pl' ou niese ierra en peace  
iesque al venue des Iusti-  
ces, ou autrement son b're  
ne luy aidera.

Auxy si vn villeine ad  
demurre en auncien de-  
mesne per vn an & vn iour  
sans claime del Seignieur,  
donques il ne poyt luy sei-  
ser deins le dit franchise.

*Ne admittas.*

**NE** admittas est vn briefe  
direct al Euesque al suit  
de vn que est patron de as-  
cun Eglise, & il doubta q  
Leuesque voit collate vn  
son Clerke, ou admit vn  
auter Clerke present per  
auf home al dit benefice:  
donques il que ceo doubta  
auera cest briefe de inhibi-  
ter le Vicount de collater  
ou admytter ascū a son Es-  
glise.

*Non omittas propter  
libertatem.*

**NON** omittas propter li-  
bertatem est vn briefe,  
& gist lou le Vicount  
retourne sur briefe a  
luy direct, que il ad  
S iij maund

## The Exposition of

maund al Bailife de tiel franchise que auer retourne des briefes, & il nad seruie le briefe, dōque le plain- tise auera cest briefe di- rect al Vicont, que il luy mesme enter en le fraun- chise & execute le briefe le Roy.

Auxy le Vicont garne- ra le Bailife que il soyt de- uant les Iustices al iour contenu en le briefe, & fil ne vient & luy acquite, donques toutes les briefes iudicialles que passeront hors del Court le Roy du- rant mesme le plee, ser- ront briefs De non omit- tas &c. & le Vicount ferra execution de eux pendant cel plee.

sent to the Bailife of such a franchise which hath re- turne of writs, & hee hath not serued the writ, then the plaintiff that haue this Writ directed to the Sherife, that he himselfe enter into the franchise and exe- cute the kings writ.

Also the Sherife shall warne the bailife that hee be before the Iustices at the day contained in the writ, & if hee come not, & excuse himselfe, the all the writs iudicials which shall passe out of the Kinges Court during the same plee, shall be Writs De non omit- tas &c. & the Shirife shal make execution of them hanging that plee.

### 318 *Negatiua pregnans.*

**N**Egatiua pregnans, est quauant vn action ou information, ou tiel sem- blable sure est port enuers vn, & le defendaunt plede en barre del action, ou autrement vn negatiue plee, que nest cy speciall answer al action, mes que il enclude auxy vn affirmatiue. Come pur

### *Negatiua pregnans.*

**N**Egatiua pregnans, is when an action or in- formation, or such like is brought against one, & the defendant pleadeth in barre of the action, or o- therwise a negatiue plee, which is not so speciall an answer to the action, but that it includeth also an affirmatiue; As for ex

example: If in a Writ of Entrein calu prouiso, brought by him in the reuerſion vpon alienation by the tenant for life, ſuppoſing that hee hath aliened in fee (which is a forfeiture of his eſtate) & the tenant to the writ ſaith that he hath not aliened in fee, this is a negative, wherein is included an affirmative: for although it be true, that he hath not aliened in fee, yet it may be that he hath made an eſtate in taile (which is alſo a forfeiture) and then the entrie of him in the reuerſion is lawfull &c.

Alſo in a Quare impedit the King makes title to preſent to a Prebend, for that the temporalities of the Biſhoprick were in his hands by the death of W. late Biſhop &c. The defendaunt ſaith that it was not void beeing the temporalities in the Kings handes by the death of W. this is a Negative pregnas, for it may be in the Kings hands or therwiſe then by the death of W. and it ſufficieth

example: Si en brieſe, de Entre in caſu prouiso, pore per ceſtuy en le reuerſion ſur alienation per le tenant pur vie, ſuppoſant que il ad alien en fee (que eſt vn forfaiture de ſon eſtate,) & le tenaunt al brieſe dit, que il nad alien en fee, ceſt vn negative, en que eſt enclude vn affirmative: car nient obſtant il ſoit veray que il nad alien en fee, vncore il poit eſtre que il ad fait vn eſtate en taile (le quel eſt auxy vn forfaiture) & donques le entrie de celuy en le reuerſion eſt loy- al &c.

Item en vn Quare impedit, le Roy fiſt title de preſenter a vn Prebend, ratione que les temporalities, de leueſcherie fueront en ſa maines per le mort de W. nuper Episcop &c. Le defendant dit que ne voida pas eſteants les temporalities en les maines del Roy per le mort de W. ceſt vn Negative preignans, car il poit eſtre en les mains del Roy, autrement que per le mort de W. & il ſuffici-  
al

The Exposition of

al Roy si soit en les maines &c.

**I**llint est lou vn Information fuit port in Scaccario vers I. S. pur ceo que il achate laines perenter shering temps & Assumption tali anno de I. N. Le defendant dit quod non emit de I. N. come il est alleage &c. ceo est appelle vn Negative pregnans, car si ceo achate de autre, vncore il est culpable pur le achater.

319 *Ne iniuste vexes.*

**N**E iniuste vexes, Vide de ceo deuant titulo Monstrauerunt.

320 *Niese.*

**N**iese, est vn feme que est bonde, ou vn vil liene feme, mes si el marie vn franke home, el est per ceo fait franke, pur ceo que el & son baron sont forsque vn person en ley, & el couient estre de meisme le nature & condition en ley a tous entents come sa baron. Mes sa baron est franke a tous entents sans aucun condition en ley, ou autrement: & issint per consequens, le feme couient

the king if it be in his hands by any means &c.

**S**o it is where an Information was brought in the Eschequer against J. S. for he bought wool betweene shering time & the Assumption such a year of J. N. The defendant saith that he did not buy any of J. N. as it is alleaged &c. this is called a negative pregnans, for if he bought it of any other, yet he is culpable for buying.

*Ne iniuste vexes.*

**N**E iniuste vexes, Look therefore before in the title Monstrauerunt.

*Niese.*

**N**iese, is a woman that is bound, or a villeine woman, but if shee marries a free man, shee is thereby made free, because that she and her husband are but one person in lawe, and shee ought to be of the same nature and condition in lawe to all intences that her husband is. But her husband is free to all intences without any condition in lawe, or otherwise: and so by consequens the wife ought

to be, & is free according to the nature of her free husband, & then if she were once free & cleerly discharged of bondage to all intents, shee can not be niece after without especial act done by her, as diuorce, or coëssio in court of record, and that is in fauour of libertie, and therefore a free woman shall not be bound by taking of a billetue to her husband: But their issue shall be villeins as their father was, which is contrary to the Ciuill law, for therein it is said, the birth followeth the bellie.

**Bondage or Villenage** had beginning among the Hebrewes, & his original proceeding of Chanaan the sonn of Cham, who because that he had mocked his father Noe to scorn, lying dissolutely when he was drunk, was punished in his Sonne Chanaan with penalty of bondage.

321 *Nihil dicit.*

**N**ihil hicit, is when an action is brought against a man, & the defendant appeares, the plaintiff declares, & the defend-

ant, & est frank accordant al nature de son frank baron, & donques si el soit vn foits frank & clercmēt discharge de villenage a tous intents, el ne poit estre niece apres sans especial act fait per luy, come diuorce, ou conusans en court de record, & ceo est en fauor de libertie, & pur ceo vn frank feme ne sera villeine per prisel del villeine a sa baron: Mes leur issue sera villeines come leur pere fuit, que est contrarie a le ley Ciuil, car la est dit, Partus sequitur ventrem.

**Bondage ou villenage** ad son commencement enter les Hebrewes, & son originall proceeding de Chanaan le fits de Cham, que pur ceo que il auoit derise son pere Noe gisant dissolutement quant il fuit ebrice, fuit punie en son fits Chanaan ouesque penaltie de bondage.

*Nihil dicit*

**N**ihil dicit, est quant vn action est port enuers vn home, & le defendant appeare, le plaintiff declare, & le defend-

ant

## The Exposition of

dant ne voile respōder, ou plede al action, & ne maintain son plee, mes tait default, ore sur cest default, il sera condemne, quia nihil dicit.

dant will not answere, or pleades to the actiō, & doth not maintain his plee, but makes default, now vpon this default, he shalbe condemned, because hee sayth nothing.

### 322 *Nisi prius.*

**N**isi prius, est vn brieft iudicial, & gist quant lenquest est empanell' & retourne deuant les Iustices en banque, donques le plaintiff ou defendant poit auer cest brieft direct al viceont, luy commaundant que il face vener la enquest deuant les Iustices en mesme le countie a lour vener la destre determine, & ceo pur easement del enquest.

### *Nisi prius.*

**N**isi prius, is a writ iudicial, and lreth when an enquest is empanelled & returned befoze the Iustices in the bench, then the plaintiffe or defendant may haue this writ directed to the Sherif, him commaunding that he cause the enquest to come befoze the Iustices in the same countie, at their coming to be determined, and that for the easing of the enquest.

### 323 *Nomination.*

**N**omination, est ou vn poit en droit de son manour ou autermt, nominare & appoint vn able Clerke ou home al vn Parsonage, Vicarage, ou tiel spirituell promotion. Et nota que cē nomination doit estre al auter que lordinary, que auter luy presenteral Ordinarie.

### *Nomination.*

**N**omination, is where one may in right of his Manour or otherwise, nominate and appoint a worthy Clerke or man to a Parsonage, Vicarage, or such like spirituell promotion. And note that this nomination ought to be to another then the ordinary which other shall present him to the Ordinary.

Non-



314 Nonability.

**N**Onabilitie, is where an action is brought against one, & the defendant saith that the plaintife is not able to sue an action, & demaunders judgement if he shal be answered. There are six causes of Nonabilitie in the plaintif, as if he be an outlaw, or an alien borne, but that disabilitie is in actions reals & mixt onely, and not in actions personals, except he bee an alien enemy, or condemned in premunire, or professed into an Abbey, Priorie, or Frierie, or excommunicat, or a billein, and sueth his Lord: but this last is no plee for another that is not Lord to the billeine. See more hereof in Littl. lib. 2. ca. 11.

Nonabilitie.

**N**Onabilitie, est lou vn action est port vers vn, & le defendant dit que le plaintife est non able de suer ascun action, & demande judgement sil serra responde. Il y ad vj. causes de Nonabilitie en le plaintife, come sil soyt vtlage, ou vn alien nee, mes cest disabilitie est en actions reals & mixt solement, & non en actions personals, sinon que il soyt vn alien enemy, ou condempne en premunire, ou professe en vn Abbey, Priorie, ou Friarie, ou excommeng', ou vn villen, & sue son S'ir: mes cest darreine nest plee pur auer que nest S'ir al villeyne, Vide plus de ceo Littl. lib. 2 ca. 11.

315 Bare, or naked Contract.

**B**are Contract, or naked promise, is where a man bargaineth or selleth his l'nds, or goods, or promiset to giue to one more, or a horse, or to buye a house, or do such a thing at such a day, and there is

Nude Contract.

**N**Vde Contract, or nude promise, est lou vn home bargain ou vende ses terres, ou biens, ou promise pur doner al autre money, ou vn chiuall, ou a edifier vn meason, ou fayre tiel chose a tiel iour, & la e nul

## The Exposition of

nul recompence appoint a luy pur le faire de ceo: Cōc si vn dit al autre, ieo vende ou done a vous tous mes terres ou byens, Et la est nul chose appoint, assigne, ou agree, quel autre donnera, ou payera pur ceo, issint que il nad quid pro quo, cest vn nude contract, & voyde en ley, & per non performance de ceo nul action gist, car ex nudo pacto non oritur actio.

### 326 *Nuisauns.*

**N**Vsauns, est lou ascun home leuy ascū mure, ou estoppe ascun ewe, ou fait ascun chose sur son fre demesne a noyance son procheine, cestuy que est greeue auera ent vn briefe appelle Assise de Nuisauns. Auxy si il que fist le nuisauns alien la terē a vn aut, donques cest briefe serra port enuers ambideux, cōc appiert per le statute West. 2. cap. 24.

### 327 *Nuper obijt.*

**N**Vper obijt, est vn briefe & gist lou vn ad plus fours heyres, cest a sauoir,

no recompence appointed to him for þe doing thereof. As if one say to an other, I sell or giue to you al my lands or goods, and there is nothing appointed, assigned, or agreed vpon what the other shall giue or pay for it, so that there is not one thing for another, this is a naked contract, and void in law, and for non performance thereof no action lyeth, for of a naked contract cometh no action.

### *Nuisauns.*

**N**Vsauns, is where any man leueth any wal, or stoppeth any water, or doth any thing vpon his owne ground to the unlawful hurt & annoyancē of his neighboz, he that is grieued may haue thereof an Assise of Nuisauns. And if he that make the nuisauns alien the land to an other, then this writt shall be brought against the both, as it appeareth by the statute West. 2. cap. 24.

### *Nuper obijt.*

**N**Vper obijt, is a writt, & it lyeth where one hath many heyres, that is to say many

many daughters, or many  
sonnes, if it be in Gavel-  
kind in Kent, and dyeth  
seised, & one heire entrech  
into all the land, then the  
other that hee holdeth out,  
that haue this writ against  
the coheire that is in. But  
a writ of Rationabili parte  
lyeth in such case where  
the auncestour was once  
seised, and dyed not seised  
of the possession, but in  
reuerſion.

plusors files, ou plusors  
fites, si soit en Gavelkinde  
en Kent, & deuie seisie, &  
vn heire entra en tout la  
terre, donques les autres  
que sont tenus dehors, a-  
ueront cest brieve vers le  
coheire que est deins. Mes  
brieve de Rationabili parte  
gist en tiel cas ou launce-  
stour fuit vn foirs seisie, &  
ne morust seisie de pos-  
session, mes del reuer-  
ſion.

O.

328 Oredelſe.

Oredelſe, is where one  
claimes to haue the  
Ore that is found in his  
lopte or ground.

329 Outſangthiefe.

Outſangthiefe, that is,  
that the cues or felons  
of your land, or fee, out of  
your land, or fee, taken  
with felonie or ſtealing,  
shall be brought back to  
your court, & there iudged.

330 Oweltie.

Oweltie, is when there  
is Lord, Meſne, and  
tenant, and the tenant hol-  
deth of the Meſne by the  
ſame ſervice that the  
Meſne holdeth ouer of the

O.

Oredelſe.

Oredelſe, est lou vn  
claime de auer le Ore  
que est troue en ſon ſoyle  
ou terre.

Outſangthiefe.

Outſangthiefe, hoc est  
quod latrones de terra  
vestra, vel feodo vestro,  
extra terrā vestrā, vel feo-  
dum vestrū, capti cū latro-  
cinio, ad curiā vestrā reuer-  
tantur, & ibidē iudicētur.

Oweltie.

Oweltie, est quant il y  
ad Seignior, Meſne,  
& tenant, & le tenant  
tient del Meſne per meſ-  
me les ſervices que le  
Meſne tient ouſter de le  
Seig-

## The Exposition of

Seignior paramôr : come  
 si le tenant tient del Mesne  
 per homage, fealtie, &  
 xx. s. de rent annuelment,  
 & le Mesne tient ouster de  
 le Seignior paramount per  
 homage, fealtie, & xx. s.  
 rent auxy, cest est appelle  
 Oweltie de seruices.

331 Oier de Recordes  
 & Faits &c.

**O**ier de records & faits,  
 est, sicome pur exam-  
 ple: vn action de det soit  
 port enuers vn home sur  
 vn obligation, & le defen-  
 dant appeare al action, &  
 donques prie que il poit  
 oier le obligation oues-  
 que que le plaintife charge  
 luy.

Issint est quant execu-  
 tors port vn action de det,  
 & le defendant demaunde  
 oier del Testament, sur  
 cest demaunde il serra lye  
 al defendant: Mes si soit  
 en vn autre terme, ou a-  
 pres que le defendant ad  
 imparle, donques il na-  
 uera le oier. Et issint come  
 est dit de Faits, est destre  
 entende de Records que  
 sont alleage enuers luy.  
 Veies le title Monstrance  
 de faits,

Lord aboute him. As it is  
 tenant hold of the Mesne  
 by homage, fealtie, and  
 xx. s. of rent peerey, & the  
 Mesne holdeth ouer of the  
 Lord aboute by homage,  
 fealtie, & xx. shillings rent  
 also, this is called Owel-  
 tie of seruices.

Hearing of Recordes  
 and deeds &c.

**H**earing of Records and  
 deedes, is, as for exam-  
 ple: an action of debt be  
 brought against a man  
 upon an obligation, & the  
 defendant appeares to the  
 action, and then prayeth  
 that he may heare the ob-  
 ligation wherewith the  
 plaintife chargeth him.

So it is when an execu-  
 tors bring an action of  
 debt, & the defendant de-  
 mandeth to hear the testa-  
 ment, upon this demaund  
 it shalbe read vnto the de-  
 fendant: But if it be in an  
 other terme, or after that  
 the def. hath imparled, the  
 he shall not heare it. And  
 so as is said of Deeds, is  
 to be vnderstoode of Re-  
 cords that are alleaged a-  
 gainst him. See the title  
 Shewing of deedes.

332 Oyer & Terminer.

Oyer & Terminer, is a word called in Latin, de Audiendo & terminando, and it tyeth where any great or sodain insurrection is made, or any other sodaine trespass which requirith hasty reformation, then the King shall direct a commission to certaine men & Iustices to heare & to determine the same.

Note that the Iustices of Assise haue also one Commission of Oyer & terminer, directed to them, and diuers other inhabitants within the Shires, whereunto their circuite extendeth, wherof ech one of the Iustices of Assise are of the Quorum, for the hearing and determining of diuers offences, which may happen in their circuite, which without the commission they could not.

P.

333 Pape. PApe, is an auncient name fastly arrogated, or proudly vsurped by the Bishop of the onely City of Rome in Italy, and is

Oier & Terminer.

Oier & Terminer, est bre appel en Latine de Audiendo & Terminando, & gist quant ascun graund ou sodain insurrection est fait, ou ascun autre sodain transgressio q requir hasty reformation, doques le Roy directera vn commission a certaine gents & Iustices de audiendo & terminando.

Nota que les Iustices de Assise ont vn commission de Oier & terminer, direct al eux, & diuers autres inhabitants deins les coutees, as queux lour circuite extende, dont chescun de les Iustices de Assise sont del Quorum, pur le meulx Oier & terminer de diuers offences queux poient auener en lour circuites, quel sans cel commission eux ne poyent faire.

P.

Pape.

PApe, est vn auncient nosme fausement arrogate, ou haultment vsurpe p le Euesq; de le sole Citie de Rome en Italy, & est

T

com-

## The Exposition of

communement appelle en Anglois le Pope, vn nomme veramēt mult frequent en nostre auncient annels liuers, specialāt en les tēps de ceux Royes, q̄ux grandement abandonāts leur imperial aucthority, & abaisants eux mesmes mult debaise leur estate, ne fuer honte de suffer vn alien & outlandish Euesq; que inhabite ouster mille & cinque cent myles de eux, de estre Soueraygne de hault eux en leur dominions de mesme, & de toller de eux non solemēt le disposition de certaine petite triffles de nul account, mes auxy le nomination de Archeuesques, Euesques, Abbots, Deans, Pronostes, appropriations de benefices, presentations al parsonages, vicarages, & generalment de tous spirituell persons a leur preferments, ascun temps per laps, & ascun temps per prouision, ou autrement, per quele Prerogatiue del Royes fuit mult abridge deins leur Realmes de mesme. Par le repressiō de quel diuers Statutes

commonly Englished the Pope, a name truely much frequent in our auncient yeare bookes, specialy in the times of those Kinges, who too much abandoning their Imperiall auctoritie, and abasing themselves farre beneath their estate, were not ashamed to suffer an alien, and an outlandish Bishop, that dwelt aboue 100 hundred miles from them, to bee Soueraigne ouer them in their owne dominions, and to take from them not onely the disposition of certain small triffles of none account, but also the nominations of Archbishops, Bishops, Abbots, Deanes, Prouostes, appropriation of benefices, presentations to Parsonages, Vicarages, and generally of all spirituall persons to their preferments, sometimes by laps, & sometimes by prouision, or otherwise, whereby the kings princely prerogatiue was very much abridged within their owne realmes. For the repressiō wherof diuers Statutes were

were made, but no sufficient remedy until King H. 8. did cast off their yoke for him and his subiectes.

334 *Per qua seruicia.*

**L**Ooke therefore afterward in the title, *Quid iuris clamat.*

335 *Parceners.*

**P**Arceners, are according to the course of the common law, & according to the custome. *Parceners* according to the common law, are where one seised of an estate of inheritance of tenements hath no issue but daughters, & dyeth, & the tenements descend to the daughters, then they be called *Parceners*, & are but as one heire. The same law is, if he haue not any issue, & his sisters should be his heirs. But if a man hath but one daughter, she is not called *parcener*, but she is called the daughter & heire. And if there be no daughters nor sisters, the land shall descend to the heirs, & they be called *parceners*. Also when landes descend to diuers *parceners*, they may make partition between themselves

ont esté fait, mes nul sufficient remedy tanq Roy H. 8. tout ousterint reiect cel iuge del luy & ses subiects.

*Per qua seruicia.*

**V**ide de ceo apres, titulo *Quid iuris clamat.*

*Parceners.*

**P**Arceners, sont selonque le cours de common ley, & selonque le custome. *Parceners* selonque le common ley sont lou vn seisie dun estate de inheritance des tenemens ad issue forsque files & deuie, & les tenementes descendent a les files, donques ils sont appel *parceners*, & sont forsques vn heire. Mesme le ley est, si neyt aucun issue, & que ses soers serroyent ses heires. Mes si home ad forsque vn file, el nest dit *parcener*, mes el est dit la file & la heire. Et si ne sont files ne soers, les terres descenderont a les aunes & els sont appels *parceners*. Auxy quaut terres descendent a diuers *parceners*, els poyent faire partition enter eux

Tij

per



## The Exposition of

per agreement, mes si aucun deux ne voient faire partition, donque l'auter ou les autres aueront vn brieue de Participacione facienda direct al Vicount que ferra partition enter eux per le serement de xij. loyals homes de la bailiwike. Auxy partition per agreement poyt elle fait per le ley, auxibien per paroll sans fait come per fait. Et si sont de plein age, le partition tous iours demurrera, & ne ferra vnques defere. Mes si les terres sont a eux in le taile, & coment que ils sont cōclues durant leur vies, vncore le issue cestuy que ad le meinder part in value poyt disagree a le partition & enter & occuper in common oueque l'auter part. Et auxy si les barons des parceners font partition, quant le baron deuie, la feme poit disagree a la partition. Auxy si le parcenier que est deins age fait partition, quant el vient a son pleine age, el poyt disagree. Mes el couient byen garder quant el vient a son pleine

by agreemēt, but if any of them will not make partition, then the other or others shall haue a writ de Participacione faciēda directed to the shirife, who shall make partition betwene them by the oth of xii. lawfull men of the bailiwike. Also partition by agreemēt may be made by the law, as wel by word without deed as by deed. And if they be of full age the partition shall remaine for ever, and shall not at any time be defeted. But if the lands be to the in the taile, & though that they are concluded during their liues, yet the issue of him which hath the lesser part in value, may disagree from the partition, and enter and occupie in common with the other part. And also if the husbands of the parceners make partition, when the husband dyeth, the wife may disagree from the partition. Also if the parcenier which is within age maketh partition, when she cometh to full age shee may disagree. But shee must take good heed when she cometh to her full age

age that she take not all þ  
profites to her owne vse of  
þ lands which were to her  
allotted, for then she agre-  
eth to the partition, & the  
age shall alway bee enten-  
ded the age of xxi. yeares.

Also if there bee diuers  
parceners that haue made  
partition betweene them,  
and one of their parts bee  
recovered by lawfull title,  
then shee shall compell the  
other to make a new par-  
tition.

Also they are parceners  
according to custome,  
where a man is seised of  
lands in Gavelkind, as  
in Kent, & in other places  
franchised, and hath issue  
diuers Sonnes and die,  
then the sonnes are parce-  
ners by custome.

336 *Partition.*

**P**ARTITION, is a diuiding  
of landes descended by  
the common Law, or by  
Custome among coheires  
or parceners, where there  
bee two at the least, whe-  
ther they be sons, daugh-  
ters, sisters, eunes, or o-  
therwise of kin to the an-  
cestor from whome the  
land descended to them.

age, que el ne preigne  
toutes les profits a son vse  
demefne des terres que  
fueront a luy allotes, car  
donques el soy agree a le  
partition, & le pleine age  
leira tous foits intende al  
age de xxj ans.

Auxy si sont diuers Par-  
ceners que ont fait partiti-  
on enter eux, & le part de  
vn soyt recouer vers luy p  
title loyal, donques el co-  
pellerà les auters de faire  
nouel partition.

Auxy ils sont parceners  
solongue le custome, lou  
home est seisi de terres en  
Gavelkind, come en Kent,  
& auters lieux franchi-  
ses, & ad issue diuers fites  
& deuie, donques les fites  
sont parceners per le cu-  
stome.

*Partition.*

**P**ARTITION, est vn diuision  
de terres descendus per  
le common Ley, ou per  
Custome perenter co-  
heires ou parceners, ou  
ils sont deux al meines,  
soient ils fites, fies, soers,  
aunes, ou autrement de  
kinne al auccessour de  
que le terre descend al  
eux.

*Tij*

*Le*

## The Exposition of

per agreement, mes si aucun deux ne voient faire partition, donque l'auter ou les autres aueront un briefe de Participacione facienda direct al Vicount que ferra partition entre eux per le serement de xij. loyals homes de la bailiwiki. Auxe partition per agreement poyt estre fait per le ley, auxibien per paroll sans fait come per fait. Et si sont de plein age, le partition tous iours demurrera, & ne ferra vnques defete. Mes si les terres sont a eux in le taile, & coment que ils sont cōclues durant leur vies, vncore le issue cestuy que ad le meinder part in value poyt disagreee a le partition & enter & occuper in common oueque l'auter part. Et auxi si les barons des parçeners font partition, quant le baron deuie, la feme poit disagreee a la partition. Auxe si le parçener que est deins age fait partition, quant el vient a son pleine age, el poyt disagreee. Mes el couient byen garder quant el vient a son pleine

by agreemēt, but if any of them will not make partition, then the other or others shall haue a writ de Participacione faciēda directed to the shirif, who shall make partition betwene them by the oth of xii. lawfull men of the bailiwiki. Also partitiō by agreemēt may be made by the law, as wel by word without deed as by deed. And if they be of full age the partitiō shall remaine for ever, and shall not at any time be defeted. But if the lands be to the in the taile, & though that they are concluded during their liues, yet the issue of him which hath the lesser part in value, may disagree from the partitiō, and enter and occupie in common with the other part. And also if the husband of the parçeners make partitiō, when the husband dyeth, the wife may disagree from the partitiō. Also if the parçener which is within age maketh partitiō, when she cometh to full age she may disagree. But she must take good heed when she cometh to her full age

age that she take not all þ profits to her owne vse of þ lands which were to her allotted, for then she agreeth to the partition, & the age shall alway bee entended the age of xxi. yeares.

Also if there bee diuers parceners that haue made partition betwene them, and one of their parts bee recovered by lawfull title, then shee shall compell the other to make a new partition.

Also they are parceners according to custome, where a man is seised of lands in Gavelkind, as in Kent, & in other places franchised, and hath issue diuers sonnes and daughters, then the sonnes are parceners by custome.

336 *Partition.*

**P**ARTITION, is a diuiding of landes descended by the common Law, or by Custome among coheires or parceners, where there bee two at the least, whether they be sons, daughters, sisters, aunts, or otherwise of kin to the ancestor from whome the land descended to them.

age, que el ne preigne toutes les profits a son vse demelne des terres que fueront a luy allotes, car donques el soy agree a le partition, & le pleine age leira tous foits intende al age de xxj ans.

Auxy si sont diuers Parceners que ont fait partition enter eux, & le part de vn soyt recouer vers luy p title loyal, donques el copellera les auters de faire nouel partition.

Auxy ils sont parceners solongue le custome, lou home est seisi de terres en Gavelkind, come en Kent, & auters lieux franchises, & ad issue diuers fites & deuie, donques les fites sont parceners per le custome.

*Partition.*

**P**ARTITION, est vn diuision de terres descendus per le common Ley, ou per Custome perenter coheires ou parceners, ou ils sont deux al meines, soyent ils fites, filles, soers, aunes, ou autrement de kinne al ancestor de que le terre descend al eux.

*Tij*

*Re*

## The Exposition of

Et cest partition est fait  
quatuor voies par le plus  
part, de que trois sont  
al pleasure & per agree-  
ment perenter eux, le quart  
est per compulsion.

Vn partition per agree-  
ment est quant ils meimes  
deuide le terre equalment  
en tantes partez, come la  
sont de eux coparcenez,  
& chescun de eslier vn  
share ou part, le eigne pri-  
mierment, & issint lun a-  
pres l'autre, come ilz sont  
de age, sinon que le eigne  
per consent fait le parti-  
tion, donquez le election  
appertient al procheins, &  
issint al eigne darreinment  
accordant come il est dit:  
Cuius est partio, alterius  
est electio.

Vn autre partition per  
agreement est, quant ils  
essient certaine de leur a-  
myes de faire diuision pur  
eux.

Le tierce partition per  
agreement est, per trahenz  
de lorz issint. Primerment  
de deuider le terre en tantz  
dez partez come la sont  
parcenez: donqz a scribe

And this partition is  
made foure waies for the  
most part, whereof three  
are at pleasure and by a-  
greement among them, the  
fourth is by compulsion.

One partition by agree-  
ment is when they them-  
selues deuide the land e-  
qually into so many parts  
as there be of them copar-  
ceners, and each to choose  
one share or part, the el-  
dest first, and so the one af-  
ter the other, as they be of  
age, except that the eldest  
by consent made the parti-  
tion, then the choise belon-  
geth to the next, and so to  
the eldest last, according  
as it is said; Who so ma-  
keth the partition, the o-  
ther must haue the choise.

An other partition by  
agreement is, when they  
choose certaine of their  
friendes to make diuision  
for them.

The third partition by  
agreement is, by drawing  
of lots thus: First to de-  
uide the Lande into so  
many partes as there bee  
parceners, then to write  
euery

every part severally in a little scroll or peece of paper or parchment, & to put the same scroll by close into a hat, or cappe, or other such like thing, & then each parcener, one after another as they be of age, to drawe out therof one peece or scroll wherein is writte a part of the land, which by this drawing is now severally allotted unto the in fee simple.

The fourth partition which is by compulsion, is whē one or some of the coparceners would haue partition, and other some will not agree thereto, then they that so would haue partition may bring a writ De partitione facienda against the others that would not make partition, by vertue wherof they shall bee compelled to depart.

In Kent where the landes are of Gavelkinde nature, they call at this day their partition Shiftting, euen the very same word that the Saxons used, namely Shiftan, which signifieth to make

chescun part seueralment en vn petit scrol ou peece de paper ou parchement, & de mitter ceux scrols close en vn hat, cap, ou autre tiel semblable chose, & donques chescun parcener, vn apres autre come ils sont de age a traher hors de ceo vn peece ou scroll enq̄ est escript vn part del terre, que per cest trahenz est ore seueralmt allotte al eux en fee simple.

Le quart partition que ē per compulsion, est lou vn ou ascun de les coparcens voylent auer partition, & auters ne voylent agreer a ceo, doncque ceux q̄ il sint voylent auer partition poient porter vn brief de Partitione facienda enuers les auters queux ne voylent fayre partition, per vertue de quel ils fueront compel de departier &c.

En Kent lou les terres sont de Gavelkinde nature, ils appel a cest iour leur partition Shiftting, il mesme parol que les Saxons vse, nomment Shiftan, que signifie pur fayre partition

## The Exposition of

perenter coheirs, & pur assigner a chescun de eux leur portion. In Latine est appel *Herciscere*.

Partition auxy poit estre fait per ioyn tenants ou tenants en common per leur assent, per fait enter eux, ou per bñe per les statutes de 31. H. 8. cap. 1. & 32. H. 8. cap. 32.

between coheirs partition, & to assigne to ech of them their portion, In latin it is called *Herciscere*.

Partition also may be made by Joyn tenants or tenants in common by their assent, by deed betweene them, or by Writ by the statutes of 31. H. 8. ca. 1. & 32. H. 8. ca. 32.

### 337 *Parties.*

**P**ARTIES al fin ou fait, sont ceux queux sont nommes en faits ou fines come parties a ceo, come ceux qui leuy le fine, & auxy ils a que le fine, est leuy. Et ils q font vn fait de feoffment, & ils a que il est fait sont appellees parties al fait, & sont en auters semblables cases.

Nota que si vn Indenture soit fait enter deux come parties a ceo en le commencement, & en le fayr vn de eux graunta ou lessa vn chose al vn autre que nest nomme en le commencement, il nest party al fait, ne prendra riens per ceo.

### *Parties.*

**P**ARTIES to a fine or deed, are those which are named in deedes or fines as parties to it, as those that leue the same fine, & also they to whome the fine is leued. And they that make a deed of feoffment, & they to whome it is made, are called parties to the deed, and so in any other like cases.

Note that if an Indenture be made between two as parties thereto in the beginning, & in the deed one of them graunterh or letteth a thing to another, that is not named in the beginning, he is not party to the deed, nor shall take any thing thereby.



338 Patron.

**P**atron, is he that hath the aduowson of a parsonage, vicarge, freechappell, or such like spirituall promotion belonging to his manor, or otherwise in grosse, and thereby may or ought to giue the same benefice, or present thereto, when and as often as it falleth void. And this being patron or patronage had begtuning for the most part by one of these three wayes, namely, either by reason of the foundation, for that the Patron or his aunccestors, or those from whom hee claimes were founders or buylders of the church, or by reason of donation, for that they did endow or giue lands to the same for maintenance thereof, or els by reason of the ground, because the Church was let or buylded vpon their soyle or ground: And many times by reason of the all three.

339 Perquisites.

**P**erquisites, are aduantages and profits that come to a manor by casualties, and not yearly,

Patron.

**P**atron, est celuy que ad le aduowson de vn parsonage, vicarage, frank chappel, ou tiels semblable spirituall promotions appartient a son manor, ou autrement en grosse, & per ceo poit ou doit donner mesme le benefice, ou present a ceo, quant & cy tost que il deuiet void. Et cest esteant Patron ou patronage ad commencement pur le plus part per vn de ceux trois voies, nelmement ou ratione foundationis, pur ceo que le Patron ou ses aunccestours, ou ceux de que il claime fueront founders ou edificers de le Esglise, ou ratione dotationis, pur ceo que ils endow ou done terres al ceo pur maintenance, ou autrement ratione fundi, pur ceo que le Esglise suit mis ou edifie sur leur soyle ou terre: Et diuers temps per reason de ils tous trois.

Perquisites.

**P**erquisites, sont aduantages & profits queux vient al vn manor per casualtie, & non annuellement,

come

## The Exposition of

come Escheates, Hariors, Reliefs, waifes, estrayes, forfeitures, amerciaments en courts, gardes, marriages, biens & tres purchase per villeins de m<sup>e</sup> le manor, fines del copiholds, & di<sup>u</sup>s semblable choses queux ne sont certaine mes happen per chance, ascun t<sup>e</sup>ps pluis often que a auter temps. Vide Perkins fol. 20. & 21.

as Escheats, Harlots, Reliefs, waifs, escapes, forfeitures, amerciaments in courts, wards, marriages, goods and lands purchased by villeins of the same manor, fines of copyholds, & diuers such like thinges that are not certaine but happen by chaunce, sometimes more often then at other times. See Perkins fol. 20. & 21.

### 340 *Perambulatione facienda.*

**P**ERambulatione facienda est vn b<sup>r</sup>e, & gift lou ij. seignours gisent vn pres l'auter, & ascun encroch<sup>er</sup>ment est fait per long temps, d<sup>o</sup>ques per assent de ambideux Seigniors, le Vicount prendra ouesque luy les parties & les vicines, & feront perambulation, & feront les metes come ils furent adeuant. Mes si vn Seignior encroche sur l'auter, & il ne voile faire perambulation, donques le Seignior issint greuec auera brieve vers l'auter, que est appelle de Rationabilibus deuisis.

### *Perambulatione facienda.*

**P**ERambulatione facienda is a W<sup>rit</sup>, and is lyeth where two Lordships lye one nigh another, & some encrochement is made by long time, then by assent of both Lordes, the Sherrife shall take with him the parties & the neighbours, and shall make perambulation, & shall make the boundes as they were before. But if a lord encroch vpon another, & he wil not make perambulation, then the Lord so greued shall haue a w<sup>rit</sup> against the other, which is called de Rationabilibus diuisis.

341. Petit Cape.

**P**etit Cape is a writ, and is speth when any action real, that is to say, of plee of land is brought, & the tenant appeareth, and afterward maketh default, then this writ of Petite Cape shall go forth to seise the lands into the Kings hands: But if he appeare not, but maketh default at the first sommons, then a Graund cape shall go forth, and for such default the tenant shall lose the land, but if he waige his law of non summons, he shall save his default, and then hee may pled with the demandant. And in Graund cape the tenant shall be summoned to answer to the default, and farther to the demandant: But in Petit cape he shall be summoned to answer to the default onely, and not to the demandant. And it is called Petit cape for that that there is lesse in this writ then in the other.

342. Petit Sericantie.

**T**O hold by Petie Sericantie is as if a man hold of the king lands or tenements, rendering to him a

Petit Cape.

**P**etit Cape est vn briefe, & gist quant ascun action real, s. de plee de terre est port, & le tenant appeare, & puis fait default, donques issira cest briefe de petit Cape de seiser les terres en maine le Roy. Mes sil ne appera, mes fait default al primer sommons, donques issira vn Graund cape, & pur tel default le tenaunt perdra la terre, mes sil gage son ley de non-summons, il sauera son default, & donques il poyt plede ouesque le demaundaunt. Et en Graund cape le tenaunt terra summon pur responder al default, & ouster al demaundaunt: Mes en Petit Cape il sera summon pur responder al default solement, & nemy al demaundant. Et est appelle Petit cape, pur ceo que il ad minus en cel briefe, que en l'auter.

Petit Sericantie.

**T**ener per Petit Sericantie est sicome vn home tient de Roy terres ou tenements, rendant a luy vn cuttell,

## The Exposition of

cattel, vn escue, vn sette,  
vn arcke sans corde, ou  
auter semblable seruice, a la  
volunt'e primer feoffor,  
Et la nappent garde, ma-  
riage, ne reliefe. Et nota  
que home ne poit tener  
per graund Serieantie, ne  
per petite Serieantie, sinon  
del Roy.

343 *Plaintife.*

**P**Laintife, est celuy q̄ sue  
ou cōplaine en vn Añse  
ou en vn action personall,  
come en vn action de det,  
trespas, d'ſceit, & detinue,  
& tiels semblables.

344 *Pleading.*

**P**Leadings, sont appellees  
toutes actes del par-  
ties al ſutes apres le count  
ou declaration, noſmemēt  
ceo que est containe en  
le barre, replication, &  
reioynder, & non ceo  
containe en le count meſ-  
me, & pur ceo defaults  
en le matter del count, ne  
sont compriſe deins miſ-  
pleading, ou inſufficient  
pleading, ne ſont remedy  
per le ſtatute de ſcofailes,  
32. H. 8. Mes ſolement  
ceo miſpleading, ou in-  
ſufficient pleading, com-  
mit en le barre, replica-

knifz, a buckler, an arrowe  
a bow without ſtring, or  
other like ſeruice at the  
wil of the firſt feoffor, and  
there belongeth not ward,  
marriage, ne reliefe. And  
marke well that a man  
may not hold by graund  
noꝝ petite Serieantie, but  
of the King.

*Plaintife.*

**P**Laintite, is he that ſueth  
or complaineth in an aſ-  
ſe, or in an action perſo-  
nal, as in an action of det,  
trespas, decets, detinue, &  
ſuch other.

*Pleading.*

**P**Leadings, be called all  
the ſayings of the par-  
ties to ſutes after the count  
or declaration, namely  
that which is contained  
in the barre, replication,  
and reioynder, & not that  
contained in the count it  
ſelfe, and therfore defaults  
in the matter of the count  
are not compriſed within  
miſpleading, or inſuffici-  
ent pleading, noꝝ are reme-  
died by the ſtatute of ſco-  
failes, 32. H. 8. But onely  
that miſpleading, or inſuf-  
ficient pleading, commit-  
ted in the barre, replica-  
tion,

tion, and reioinder are there prouided for.

345 *Post disseisin.*

**P**ost disseisin, Looke for that befoze in the title Affise.

346 *Possession.*

**P**ossession, is said two waies, either actual possession, or possession in law.

Actual possession, is when a man entred in deede into landes or tenements to him discended, or otherwise.

Possession in lawe, is when landes or tenements are discended to a man, and he hath not as yet really, actually, and in deed entred into them: And it is called possession in law, because that in the eye, and consideration of the law, he is deemed to be in possession, for asmuch as he is tenant to every mans action that will sue concerning the same landes or tenements.

347 *Poundes.*

**P**oundes, are in ij. sorts, the one Pound open, the other pound close.

tion, & reioinder, sont la prouide.

*Post disseisin.*

**P**ost disseisin, Vide de cen deuant en le title Affise.

*Possession.*

**P**ossession, est dir deux voies, ou Actual possession, ou possession en ley.

Actual possession, est quant vn home enter en fait en terres ou tenements a luy discende, ou autrement.

Possession en ley, est quauant terres ou tenementes sont discende al vn home, & il nad vncore realment, actualment, & en fait enter en eux: Et il est appelle possession en ley, pur ceo que en le oiel, & consideration del ley, il est pense destre en possession, entant que il est tenaunt a chescun action que ascun voit suer cōcernāt mesmes les terres ou tenements.

*Poundes.*

**P**oundes, sont en deux sorts, lun Pound ouert le auter pound close.

Pound

## The Exposition of

**Pound ouert**, est chescun lieu en que vn distresse est mis, soit ceo common pound, tiels que sont en chescun ville ou Seigniorie, ou soit ceo backside, court, yarde, pasture, ou autrement quecunque, loule owner del distresse poit vener a donner eux viande sauns offence pur lour esteant la, ou son vener la.

**Pound close**, est tiel lieu, loule owner del distresse ne poit vener a donner eux viande sauns offence, come en vn close meason, ou quecunque autre lieu.

348 *Preamble.*

**P**reamble ad son nosme de le preposition ( *Præ* ) deuant, & le verbe ( *Ambulo* ) pur va, issint ioint ensemble, ils font vn compound verbe de le primer coniugation ( *Preambulo* ) pur vaer deuant, & de ceo le primer part ou commencement dun act, est appelle le Preamble de le act, le quel preamble est vn clisse de ouerer les ments del feasors del act, & les mischiefes que ils entende

**Pound open**, is every place wherein a distresse is put, whether it be common pound, such as are in every Towne or Lordship, or whether it be backside, court, pard, pasture, or els whatsoever, whether the owner of the distresse may come to give them meate & drinke without offence for their being there, or his committing thither.

**Pound close**, is such a place, where the owner of the distresse may not come to give them meate and drinke, without offence, as in a close house, or whatsoever els place.

*Preamble.*

**P**reamble taketh his name of the preposition ( *Præ* ) before, and the verbe ( *Ambulo* ) to goe, so joined together, they make a compound verbe of the first coniugation ( *Preambulo* ) to go before, & here of the first part or beginning of an act, is called the preamble of the act, which preamble is a key to open the mindes of the makers of the act, and the mischiefs that they intend

to remedie by the same: As  
for example, the stat. made  
at Westminster the first the 37.  
chap. which giueth an At-  
tainr. by preamble of which  
is thus: Forasmuch as  
certain people of the realm  
doubt very little to giue  
false verdicts or oathes,  
which they ought not to  
do, whereby many people  
are disherited & lose their  
right, it is provided &c.

de remedy per ceo: Come  
pur exemple, le statute fait  
al West. le primer le 37. ca.  
que done Attaint, le Pre-  
amble de que est issint: Pur  
ceo que ascuns gentes de la  
terre doutent meines faux  
serment faire, que faire ne  
duissent, p que multes des  
gentes sont disherites &  
perdent leur droit, puruew  
est &c.

346 *Premunire.*

*PREmunire*, is a writ, and  
it lyeth where any man  
sueh any other in the spi-  
rituall court, for any thing  
that is determinable in the  
kings court, and that is  
ordained by certain Sta-  
tutes, and great punish-  
ment therfore ordained, as  
it appeareth by the same  
Statutes, viz. that he shal be  
out of the Kings protecti-  
on, and that he bee put in  
pryson without bayle or  
mainprise, till that he haue  
made fine at the Kings  
will, and that his lands &  
goods shal be forfeit if he  
come not within two mo-  
nethes. Also the prouis-  
ors, procurators, attur-

*Premunire.*

*PREmunire*, est vn briefe,  
& gist lou aucun home  
sue aucun autre en court  
christian, pur aucun chose  
que est determinable en le  
court le Roy, & ceo est  
ordayne per certaine Sta-  
tutes, & graund punish-  
ment a ceo ordeine, come  
appiert per mesme les sta-  
tutes, cestascavoir, que il  
serra hors de protection  
le Roy, & que soyt mis  
en prison sans bayle ou  
mainprise, tanque ils ad  
fait fine al volunt le Roy,  
& que ses terres & cha-  
teux seront forfeites si  
il ne veygne deins deux  
moys. Auxy leur proui-  
sors, procurators, attur-  
nics,



## The Exposition of

nies, executors, notaries, & maintainors, ser<sup>ts</sup>: punish en m le maner, Ideo vide Statutum.

Auxy ascuns dient que si vn Clerke sue auter hōe en court de Rōe pur chose spiritual, lou il poit auer remede deins cest Realme en court son Ordinary, que il se ra en case de le Statute.

Et sur diuers autres offences est impose per statutes depuis fait le penalte que eux incurre queux fueront attaintes en Premunire: Come per 13. Eliz. cap. 8. ceux que aydont a faire corrupt bargain sur que vsury est reserue ouster x li. pur le hundred en lan &c.

350 *Precipe in capite.*

**P**Recipe in capite, est vn briefe, & gill lon le tenant que tient del Roy en chiefe, come de sa corone, & il est deforce, cest adire, ouste de son terre, donques il auera cest briefe, & cest briefe serra close, & serra plede en le common bank.

Auxy si ascun tenant que

nies, executors, notaries, & maintainors, shal be punished in the same maner, Therefore look the Stat.

Also some men say, that if a Clerke sue another mā in the Court of Rome for a thing spirituall where he may haue remedy within his realm in the Court of his Ordinary, that he shall be within the case of the Stat.

And vpon diuers other offences is imposed by statute lately made the penalte that they incurre which are attainted in premunire. As by 13. Eliz. cap. 8. they which are ayding to make a corrupt bargain wherupon vsury is reserued as boue the x. pounds in the hundred in the yeare &c.

*Precipe in capite.*

**P**Recipe in capite, is a writ, and it lyeth where the tenant holdeth of the King in chiefe, as of his crowne, & hee is deforced, that is to say, put out of his land, then hee shall haue this writ, & this writ shall be close, & shall be pleaded in the common place.

Also if any tenant which holdeth

holdeth of any lord he de-  
forced, it behooueth him to  
sue a writ of Right patent  
which shall be determined  
in the Lords court. But  
if the land be holden of the  
king the writ of right pa-  
tent shall be brought to the  
kings court: & this Writ  
may be remoued from the  
Lords court vnto y<sup>e</sup> countie  
by a Tolt, & from the coun-  
tie into the common place  
by a Pone. Look therfore  
before in the title Droit.

### 391 Prescription.

Prescription, is when a  
man claime any thing  
for that he, his ancessors,  
or predecessors, or they  
whose estate he hath, haue  
had or vsed any thing all  
the time, whereof no mind  
is to the contrarie.

But one may not pre-  
scribe against a Statute, ex-  
cept he haue another Sta-  
tute that serueth for him.

### 392 Presentment.

Presentment, is of two  
significations: one is  
presentment to a Church,  
which is whē any mā which  
hath right to giue any be-  
nefice spirituall, & nameth  
the person to the Bishop

tient de ascun Seignieur  
soit de force, luy couient  
suer brieve de Droit patent  
que lerra determine en la  
court le Seignieur. Mes si  
le terre soit tenus del Roy,  
le brieve de droit patēt l'er-  
ra port en al court de Roy.  
Et cest brieve poit este re-  
moue de la court le Seig-  
nour en le county per vn  
Tolt, & de la county en  
common bank p vn Pone.  
Ideo vide deuaunt titulo  
Droit.

### Prescription.

Prescription, est quānt  
vn person claime ascun  
chose, pur ceo que il, ses  
ancestors, ou predecessors,  
ou ceux que estate il ad,  
ont eu ou vsé ascun chose  
dont nul memorie curt al  
contrarie.

Mes ne poit prescribe  
encouter vn estatute, sinon  
que il ad auter statute que  
serue pur luy.

### Presentment.

Presentment, est equi-  
cum: lun est present-  
ment al Esglise, quel  
quant ascun home que  
ad droit a doner ascun  
benefice spirituall, & nos-  
me le person al Euesque

The Exposition of

a que il voit le doner, & faye vn letter al Euesque pur luy, ceo est vn presentation ou presentmēt. Mes si diuers coheires ne poyent accorder en presentmēt, le presentee de leigne seī admittre. Mes de loyntenants & tenants en common, si ils ne accordent deins les sixe moys, le Euesque presentera per laps.

Lauter est vn presentment ou Information per ascū Iurie en vn Court, deuant ascun officer la q̄ ad auctoritie de punisher ascū offence fait contrē le ley.

353 *Pretensed droit ou Title.*

**P**Retensed droit ou Title, est lou vn est en possession de terres ou tenemēts, & vn autre que est hors de possession, clame ceo, ou sue pur ceo: Ore le pretended droit ou title est dit en luy, que issint sue ou clame. Et si ils puis vient a le possession de mesme les terres ou tenementes, son droyt, ou title est annexé al terre & possession, & nient donque appel droit.

to whom he will giue it, & maketh a writting to the Bishop for him, that is a presentation or presentmēt. But if diuers coheires may not agree in presentment, the presentee of the eldest shall bee admitted. But of Tōntenants & tenants in common, if they agree not within sixe moethen, the Bishop shall present by laps.

The other is a presentment or informatiō by any iurie in a court, before any Officer which hath auctoritie to punish any offence done contrarie to the law.

*Pretensed right or Title.*

**P**Retensed right or Title, is where one is in possession of landes or tenementes, & an other who is out of possession, claimeth it, or sueth for it: Now the pretended right or title is said in him, who so doth sue or clame. And if hee afterward come to the possession of the same landes or tenementes, his right or title is annexed to the land and possession, & not then called right.

354 Priuy or Priuities.

**P**Riuy or Priuities, is where a lease is made to hold at will, for yeares, for life, or a feoffment in fee, and in diuers other cases now because of this that hath passed betwene these parties they are called priuies in respect of strangers betwene whom no such dealings or conueyances hath bin.

Also if there bee Lord & tenant, and the tenant holdeth of the lord by certain service, there is a priuie betwene them because of the tenure, and if the tenat bee disseised by a stranger, there is no priuie betwene the disseisor & the Lord, but the priuie still remaineth betwene the lord and the tenant that is disseised, and the Lord shal auow upon him, for that he is his tenant in right, and in the iudgement of the law. Priuies are in diuers sortes, as namely priuies in estate, priuies in deed, priuies in law, priuies in right, and priuies in blood.

*Priuie ou Priuities.*

**P**Riue ou Priuities, est lou vn lease est fait a tenier a volunt, pur ans, pur vie, ou vn feoffemēt en fee, & en diuers autres cases, ore pur ceo de ceo que ad passe perenter ceux parties ils sont appel priuies, en respect de estrangers perenter queux nul tiel conueyances ad estre.

Auxy si soy Seignieur & tenaunt, & le tenaunt tient del Seignieur per certayne seruice, il y ad vn priuie perenter eux per cause de tenure, & si le tenant soyt disseisie per vn estranger, il ad nul priuie perenter le disseisour & le Seignieur, mes le priuie vncore demurt perenter le Seignieur & le tenaunt que est disseisie, & le Seignieur auower sur luy pur ceo que il est son tenant en droyt, & en le iudgement delley. Priuies sont en diuers sorts come nosmeint, priuies en estate, priuies en fait, priuies en ley, priuies en droit & priuies en sank.

## The Exposition of

**Priues en estate**, est lou vn lease est fait del manor de Dale al A. pur vie, le remaind' al B. en fee, la & A. & B. son priues en estate, car lour estates fueront fait ambideux al vn temps.

Et issint est en le primer case cy, ou vn lease est fayt al volunt, pur vie, ou ans, ou vn feoffment en fee, les lesses ou feoffees sont appel priues en estate, & issint sont lour heirs &c.

**Priues en fait** est lou vn lease est fayt pur vie, & apres per vn autre fayt, le reuerfion est graunt al vn stranger en fee, cest grauntee del reuerfion est appel priue en fait, pur ceo que il ad le reuerfion per fait.

**Priuy en ley** est lou il est Seignior & tenaunt, le tenaunt lessa le tenauncy pur vie & morust sauns heire & le reuerfion escheate al Seignior, il est dit priue en ley, pur ceo que il ad son estate solemēt per le ley, cest adire per escheate.

**Priues in estate** is where a lease is made of the manor of Dale to A. for life, the remainder to B. in fee, there both A. and B. are priues in estate, for their estates were both made at one time.

And so it is in the first case here, where a lease is made at will, for life or years, or a feoffment in fee, the lessors or feoffees are called priues in estate, so are their heirs, &c.

**Priues in deed** is where a lease is made for life, and afterward by another deed the reuerfion is graunted to a stranger in fee, this graunter of the reuerfion is called priue in deed, because that hee hath the reuerfion by deed.

**Priue in law** is where there is Lord and tenant, the tenant lesseth the tenauncy for life and dieth without heire, and the reuerfion escheats to the lord, he is said priue in law, because that hee hath his estate only by the law, that is to say, by escheate.

Priue

**P**riuite in right is where one possessed of a terme for yeares, graunteth his estate to another vpon conditiō, & maketh his executoys & dieth, now these executoys are priuies in right, for if the condition be broken, & they enter into the Land they shall haue it in the right of their testator, and to his vse.

**P**riuie en droit est loun vn possesse dun terme pur ans, graunta son estate al vn auter sur condition, & fait les executours & morust, ore ceux executors sont priuies en droyt, car si le condition soynt enfreint, & ils entrent en le terre, ils aueront ceo en le droit de leur testatour, & a son vse.

**P**riuite of blood is the heire of the feoffour or donor, &c.

**P**riuie de sanke est le hēe de le feoffor ou donor &c.

Also if a fine bee leuied, the heires of them that leuie the fine are called priuies.

Item si vn fine soynt leuie, les heires de celuy que leuie le fine sont appelle priuies.

355 Priviledges.

Priviledges.

**P**riuedges, are liberties and franchises granted to an office, place, towne, or manor, by the King or great charter, letters patents, or act of parliamēt: as Tolls, Sake, Socke, Infangtheefe, Outfangtheefe, Turne, Oredelf, & diuers such like, for which looke in their proper titles and places.

**P**riuedges, sont liberties & franchises graunt al vn office, lieu, ville, ou manor, per la graund charter del Roy, letters patents, ou act de parliamēt: cōe Toll, Sake, Socke, Infangtheefe, Outfangtheefe, Turne, Oredelfe, & diuers tielz semblables, par queux veies en leur proper titles & lieux.

## The Exposition of

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*Proces.*

**PR**oces, sont les briefes & precepts que issuant sur le originall: Et in actions reals & pertionels sont dius sorts de proces, car en actions reals proces est Graud Cape deuant apparance: Ideo vide de ceo en le title Petite Cape.

Mes en actions personnels, come en debt, trespass, ou detinue, le proces est vn distresse, & si le Vicount returne Nihil habet in bailiua &c. dōq's le p<sup>r</sup> & alias Capias, & Pluries, & vn Exigent, & ils sont appellees Capias ad respondendum. Auxy le Exigent serra cinq foyts proclaimes, & si le party nappere il serra vtlage. Mes en diuers actions sont diuers maners de proces, q est pluis alarge declare in Natura breuium.

Auxy sont diuers autres proces apres apparance quant les parties sont al issue pur faire lenquest apperer, come vn briefe de Venire facias, & ils ne apperont al iour, donques vn briefe de Habeas corpora

*Proces.*

**PR**oces, are the Writs & precepts that go vpon the original: & in actions reals and personals there be sundry sorts of proces, for in actions reals the processe is Graunde Cape, befoze apparance: therfoze see of that in the title Petit Cape.

But in actions personals, as in debt, trespass, or detinue, the proces is a distresse, and if the Sherife returne Nihil habet in bailiua &c. then the proces is alias Capias, and Pluries, and an Exigent, and they are called Capias ad respondendum. Also the Exigent shal be proclaimed v. times & if the party doth not appear he shall be outlawed. But in diuers actions there are diuers maner of proces, which at large is declared in Na. br.

Also there are diuers other processe after apparance when the parties be at issue to make the inquest appeare, as a writ of Venire facias, and if they doe not appeare at the day, the a writ of Habeas corpora

Iu.



Iuraf, and after a Writ of Distingas Iuraf.

Also there are diuers other processe after iudgement, as Capias ad satisfaciendum, Capias vtlagatum, and Capias ad valentiam &c.

But Capias ad satisfaciendum, lyeth where a man is condemned in any debt or damage, then he shall be arrested by this writ, and put in prison without baile or mainpryse, till he hath payed the debt & the damages.

But Capias vtlagatum, lyeth where one is outlawed, then he shall be taken by this writ, and put in prison without baile or mainpryse, for that he had the law in contempt.

Capias ad valentiam lyeth where I am impleded of certain lāds, & I vouch to warrantie another, and cannot barre the demaundant, so that the demaundant recouer against mee, then I shall recouer so much in value against the vouchere, & then shall goe for this writ.

And there be other pro-

Iuraf, & apres vn brieve de Distingas Iuraf.

Auxy sont diuers autres proces apres iudgement, come Capias ad Satisfaciendum, Capias vtlagatum, & Capias ad valentiam &c.

Mes Capias ad satisfaciendum gist lou vn home est condemne in alcun det ou damages, donques il serra arrest per cest brieve & mis en prison sans baile ou mainprise, tanque il ad pay le det & les damages.

Mes Capias vtlagatum gist lou vn est vilage donques il serra prise per tiel brief, & mis en prison sans baile ou mainprise, par ceo que il ad fait contēpt encounter le ley.

Capias ad valentiam gist lou ieo sue implede de certain terre, & ieo vouch a garrantie vn autre, & il ne scauot pas barre le demaundant, issint que le demaundant recouer vers moy, donques ieo recouera tant in value vers le vouchere, & donques issira cest brieve.

Auxy sont autres pro-

The Exposition of

ces & briefes iudicials ,  
come Fieri facias , Scire  
facias, & plusors autres : &  
ideo vide ceux en leur  
titles.

357 *Procheine amy.*

**P**Rocheine amy, est com-  
muneint prise pur Gar-  
dian en socage, & est lou  
vn home seisie de terres  
tenus en socage morust,  
son issue deins age de xiiij.  
ans, donques le procheine  
amy, ou prochein de sanke  
a que les terres ne poyent  
vener ou discender, auera  
le gard del heire, & del  
terre, al vse solement del  
heire, tanque il vient al  
age de xiiij. ans : Et don-  
ques a tiel ans, le heire  
poit enter & luy ouste, &  
ameiner luy de accompt :  
Mes en cest accompt il a-  
uera allowance pur toutes  
raisonable costs & expen-  
ces bestow, ou sur le heire  
ou son terre.

Et le procheine amy ou  
procheine de sanke a que  
le inheritance ne poyt dis-  
cender est issint deile en-  
tende : Si les terres dis-  
cend al heire de son pere,  
ou ascun del sanke del  
part son pere, donques

cesse & *Wills iudicials*,  
as Fieri facias, Scire faci-  
as, and many other : and  
therefore saphe for them  
in their titles.

*Next friend.*

**N**Ext friend, is commonly  
taken for Guardian in  
socage, & is where a man  
seised of land holden in  
socage dieth, his issue with-  
in age of xiiij. yeares, then  
the next friend, or next of  
kinne to whom the lands  
canot come or discend, shal  
haue the keeping of the  
heire, and of the lande, to  
the ouely vse of the heire,  
vntill he come to the age  
of xiiij. yeares : And then  
at that yeres he may enter  
and put him out : & bying  
him to accompt : But in  
that accompt he shalbe al-  
lowed for all reasonable  
costs & expences bestowed  
either vpon the heire or  
his land.

And the next friend or  
next of kinne to whom the  
inheritance canot discend,  
is thus to be understood :  
If the Landes discende  
to the heire from his fa-  
ther, or any of the kinne  
of his fathers side, then  
the

the mother, or other of the Mothers side, are called the next of kinne to whom the inheritance cannot descend, for before that it shal so descend, it shall rather escheat to the Lord of whom it is holden.

And so it is, to bee understood where the lands come to the heirs from his Mother, or any of the kinne of his mothers side, then the Father or other of the fathers side are called the next of kinne to whome the inheritance cannot descend, but shall rather escheat to the Lord of whom it is holden.

Otherwise Prochein amy is hee which appeareth in any Court for an infant which sueth any action, & aideth the infant to pursue his suite: whereof see the Statutes of W.1.ca.47. & W.2. cap. 15. that an infant may not make an Attourney, but the Court may admit the next friend for þe plaintife, and a gardian for the infant defendour as his Attourney.

le mere, ou auter del part le mere, sont appellee procheine de sanke a que le enheritance ne poit descend, car deuaunt que il issint descendra, il pluis tost escheatera al Seignior de que il est tenus.

Et issint est destte entende lous les terres vient al heire de sa mere, ou ascun auter de sank del part sa mere, donques le pere ou auter del part son pere sont appelle le procheine de sanke a que le enheritance ne poit descend, mes pluis tost escheatera al Seignior de que il est tenus.

Auterment procheine amy est cestuy que appiert en ascun Court pur vn enfant que sue ascun action, & que ayde le enfant de pursuer son suite: dont vide les Statutes de W.1.cap.47. & W.2. cap. 15. que vn enfant ne poit faire Attourney, mes le Court poit admitter le procheine amye pur le plaintife, & vn Gardian pur le enfant def. come son Attourney.

## The Exposition of

### 358. *Procedendo.*

**PROcedendo**, est vn briefe, & gist lou aucun act on estue en vn Court, que est remoue a vn pluis hault, come al Chancerie, banke le Roy, ou Common bank, per briefe de Priuiledge ou Certiorare, & si le defendaunt sorle matter monstre nad cause de priuiledge, ou si le matter en le bill sur que le Certiorare issuit ne soit bien proue, donques le plaintife auera cest briefe de *Procedendo* pur remaunder le matter al primer base Court, & lay desre determine.

### *Procedendo.*

**PROcedendo**, is a writ, & it lyeth where any action is sued in one Court, which is remooued to a Court more high, as to the Chancerie, the Kings bench, or Common place, by a writ of *priviledge* or *Certiorare*, and if the defendant upon the matter shewed, haue no cause of *priviledge*, or if the matter in the bill whereupon the *Certiorare* issued be not wel proued, then the plaintife shall haue this writ of *Procedendo*, for to send againe the matter vnto the first base Court, and there to be determined.

### 359. *Prohibition.*

**PROhibition**, est vn briefe, & gist lou home est emplede en Court Christian de chose que ne touch matrimonie ne testament, ne merement dismes, mes que touche le corone nostre Seignieur le Roy, & cest briefe serra direct auxy bien al partie come al Iudge, ou son official, de eux prohibite que ils ne pursue ouster, Mes si

### *Prohibition.*

**PROhibition** is a writ, & it lyeth where a man is impleaded in the spiritual Court of the thing that toucheth not matrimonie nor testament, nor merely tythes; but that toucheth the Kings Crowne, & this writ shall be directed as well to the partie as to the Iudge, or his official, to prohibite them that they pursue no further. But if

it appeare afterward to the Judges temporall, that the matter is to be determined in the spirituall Court, and not in the court temporall, then the partie shal haue a writ of Consultacion, commanding the Judges of the Court spirituall to proceed in the first plee.

360 Protection.

Protection, is a writ, & it leith where that a man will passe ouer the Sea in the kings seruice, then hee shal haue this writ, and by this writ hee shall bee quit of all manner of ples between him & any other person, except ples of dower, Quare imped, Assise of nouel disseisin, Darreine presentment, and Attayntes, and ples before Iustices in Eyre. But there be two writs of Protection, one cum clausula volumus, & another cum clausula nolumus, as appeareth in the Register. Also a Protection shall not bee allowed in any plee begun before the date of the protection, if it be not in vyages where the King himselfe shall passe, or other vyages

il appeare apres a les Iudges temporall, que le matter est destre determine en le spirituall Court, & nemy en le Court temporal, doncque le party auera vn briefe de Consultacion, commandant les Iudges de le court spirituall de proceder en la primer plee.

Protection.

Protection est vn briefe, & gist lou home voyr passer ouster le mere en le seruice le Roy, doncque il auera cest briefe, & per cest briefe il serra quite de tout maner des ples enter luy & ascun auter person, except ples de Dower, Quare impedit, Assise de nouel disseisin, vltimę presentationis, & Attaynts, & ples deuaunt Iustices en Eyre. Mes sont deux briefes de Protection, vn Cum clausula volumus, & l'auter Cum clausula nolumus, vt appiert en la Register. Auxy Protection ne serra allow en ascun plee commence deuaunt le date de la protection, sine soyt en vyages ou le Roy mesme passia, ou auters vyages royaux,

## The Exposition of

royals, ou en message le Roy pur besoign de realm. Auxy protection ne serra allow pur vitails achates pur le viage, dont le protection fait mention, ne en plects de trespas, ou de contracts fait puis le date de m le protection.

Mes nota que aucun poit attacher ou commencer aucun actiō real vers cestuy que ayt tiel protection, & en ceo proceder tanque le defendant veigne & monstre son protection en le court, & ayt ceo allowe, & donques son plect ou suite serra mis sans iour. Mes si apres il appiert que le party que ad le protection ne va en le besoigne pur que il eyt ceo, donques le demandant auera vn repeal de ceo. Et sil va & retourne apres le besoigne finie, le demandaunt auera vn resummons de recontinue le former suit.

royals, or in messages of the king for affaires of the Realme. Also a protection shall not bee allowed for vituall bought for the viage, whereof the protection maketh mention, nor in plects of trespas, or of contracts made after the date of the protection.

But note that any may attach or begin any action real against him that hath such protection, and therein proceed vntill the defendant cometh & sheweth his protection in the Court, & hath it allowed, and then his plect or suite shall go without day. But if after it appeareth that the party which hath the protection goeth not about the affaires for which hee hath it, then the demandant shall haue a repeale therof. And if he go and returne after the business ended, the demandant shal haue a resummons to recontinue the former suit.

### 381      *Protestation.*

*Protestation*, est vn form de pleading quant aucun

### *Protestation.*

*Protestation*, is a forme of pleading when any will

will not directly affirme, nor directly deny anything þ is alledged by an other, or which he himselfe alledgeth. And it is in two sortes: One is, when one pleadeth any thing which he dare not directly affirm or that hee cannot pleade it for doubt to make his plea double: As if in conueying to himselfe a title to any lande, hee ought to pleade diuers discentis by diuers persons, and hee dare not affirme that all they were seised at the time of their death, or although hee could doe it, it shall be double to pleade two discentis, of both which, every one by himselfe may bee a good barre: Then the defendaut ought to pleade & alledge the matter interlasing this word Protestando, as to say, that such a one dyed (by protestacion) seised &c. and that is to bee alledged by protestacion, & not to be trauersed by the other. Another Protestacion is, when one is to answer to two matters, and yet by the lawe hee ought

ne voit directment affirmer, ne directment denier aucun chose quel est alleage per auter, ou que il mesme alleage. Et est en deux manners, lun est quant vn pleade aucun chose que il ne osast directment affirmer, ou que il ne poyt ceo pleder pur doubt de tayre son plea double: Come si en conueying a luy title al aucun terre, il doyt pleder diuers discentes per diuers persons, & il n'osast affirmer que eux toutes fueront seisie al temps de leur mort, ou coment il ceo purroit, ceo serra double a pleder deux discentis de queux ambideux chescun par luy poit estre bone barre: Donques le defendaut doit pleder & alleager le matter interlasant cest parol Protestando, come adire, que tiel obijt (protestando) seisie &c. Et ceo est delle alleage per protestacion, & nemy trauersable per l'auter. Auter protestacion est, quant vn est de responder al deux choses, & tamen per le ley il doyt ple.



## The Exposition of

pleader forsque a lun, don-  
ques en le primer part del  
plee, al dira, al vn matter  
Protestando, & non cog-  
noscendo cel matter estre  
voyer, & faire son plee ou-  
ster per ceux parols, Sed p  
placito dicit &c. & ceo est  
pur saluation al party (que  
assint plede per protestatiō)  
deste conclude per ascun  
matter alleage ou obiet  
encounter luy, sur que il ne  
poit ioyner issue: Et nest au-  
ser chose mes vne exclusion  
del conclusion, car il que  
prikt le protestation exclud  
l'auter party de concluder  
luy. Et cest protestation  
doit estoyer oue le sequel  
del plee, & nemy destre re-  
pugnant, ou autrement cō-  
trarie.

362

*Purchase.*

**P**Vrchase est le possession  
que vn home ad en fres  
ou tenements per son acte  
demefne, means, ou agree-  
ment, & nemy per title de  
discent, de ascun de ses  
aunceftors. Vide Littleton  
lib. 1. ca. 1.

to pleade but to one, then  
in the first part of the plee,  
he shall say to the one mat-  
ter Protestando, & not cog-  
noscendo, this matter to  
be true, and make his plee  
further by these wordes,  
Sed pro placito dicit &c.  
and this is for sauing to  
the party (that so pleadeth  
by protestation) to be con-  
cluded by any matter al-  
leaged or objected against  
him, upon which he cannot  
take issue: And is no o-  
ther thing but an exclusion  
of the conclusiō, for he that  
taketh the protestation  
excludes the other party to  
conclude him. And this  
protestation ought to  
stand with the sequell of  
the plee, and not to bee re-  
pugnant, or otherwise  
contrary.

*Purchase.*

**P**Vrchase is the possession  
that a man hath in lāds  
or tenements by his owne  
act, means, or agreement,  
and not by title of discent,  
from any of his aunceltors.  
See Littleton lib. 1. cap. 1.

363 Qua-

363

*Qualiter*

**Q**u<sup>ale</sup> ius, is a writ, & is writ where an Abbot, Prior, or such other, should haue iudgement to recouer land by the default of the tenant against whom the land is demanded, then before iudgement given, or execution awarded, this writ shall goe forth to the Escheator to inquire what right he hath to recouer: And if it be found that he hath not right, then the Lord which should haue the land, if the tenant had aliened in Mortmaine, may enter as into land aliened into Mortmaine, for this loosing by default is like to an alienation. See the Statute Westminster 2. cap. 12.

But a writ of Ad quod dampnum iure where one will giue land to an house of Religion, then this writ shall goe forth to the Escheator, to inquire of what value the land is, and what prejudice it shall bee to the King.

*Qualiter*

**Q**u<sup>ale</sup> ius, & vn briefe, & gift lou ascun Abbot, Priour, ou tielx auters, aueront iudgement de recouer terre, per le default del teneant vers que le terre est demande, donques deuant iudgement done, ou execution agarde, cest briefe issira al Escheator pur enquire quel droit il ad a recouer: Et si soit trouue que il nad droit, donques le Seignieur que duist auer le terre si le tenant vlt alien en Mortmaine, poit enter come en terre aliene en Mortmaine, car cel perdre per default est semble a vn alienation: Vide le statute Westminster le second capitulo 12.

Mes briefe de Ad quod dampnum gift lou vn voile doner terre ad maison de Religion, donques cest briefe issira al Escheateur, pur enquire de que value le terre est, & quel prejudice il serra al Roy.

364 *Quare*

The Exposition of

364 *Quare eiecit infra terminum.*

*Quare eiecit infra terminum.*

**Q**uare eiecit infra terminum, est vn brieve, & gist lou vn fait lease a vn auter pur terme dans, & le lessour enseoffa vn auter, & le feoffee ousta le termour, donques le termour auera cest brieve vers le feoffee. Mes si vn auter straunger ouste le termour, donques il auera brieve de eiectione firme vers luy. Et en ceux deux briefes il recouera le terme & ses damages.

365 *Quare impedit.*

**Q**uare impedit, est vn brieve, & gist lou ieo ay aduowson, & le Parson deuie, & vn auter present son clerke, ou disturbe de presenter, donques ieo auera le dit brief. Mes Assise de Darrain presentment gist, lou ieo ou mon ancessors ont present deuant. Et lou home poit auer Assise de darrain presentment, il poit auer vn Quare impedit, mes nemy contrarie.

Aury sile plee soit dependant enter deux par-

**Q**uare eiecit infra terminum, is a writ, and it lyeth where one maketh a lease to another for term of peeres, and the lessor enseoffeth an other, and the feoffee putteth out the termour, then the termour shall haue this writ against the feoffee. But if an other stranger put out the termour, then he shall haue a writ de Eiectione firme against him. And in these two writs he shall recouer the terme & his damages.

*Quare impedit.*

**Q**uare impedit, is a writ and it lyeth where I haue an aduowson, & the Parson dieth, & an other presenteth his clerke or disturbeth me to present, then I shall haue the said writ. But Assise de Darrain presentment lyeth, where I or my ancessors haue presented before. And where a man may haue an Ass. de Darrain presentment, he may haue a Quare impedit, but not contrariwise.

Also if the plee bee depending betwen two parties

ties, and bee not discusse  
within the monethes, then  
the Bishop may present by  
laps, & he that hath right  
to present, shall recouer his  
damages, as it appeareth  
by the statute of West. 2.  
cap. 5. therefore see the sta-  
tute. Also if hee that hath  
right to present after the  
death of the Parson, and  
bringeth no Quare impe-  
dit, nor Darraine present-  
ment, but suffereth a strā-  
ger to usurpe vpon him,  
yet hee shall haue a writ of  
Right of aduowson: But  
this Writ lyeth not, vn-  
lesse he claime to haue the  
aduowson to him and his  
hetres in fee simple.

366 *Quare incumbravit.*

**Q**uare incumbravit, is a  
writ, and it lyeth wher  
two be in plee for the ad-  
uowson, & the Bishop ad-  
mitteth the clerke of one of  
them within the the mo-  
nethes, then hee shall haue  
this writ against the Bi-  
shop. But this writ lyeth  
alway hanging the plee.

367 *Quare intrusit matrimo-  
nio non satisfacto.*

**Q**uare intrusit matrimo-  
nio non satisfacto, is

ties, & ne soyt discusse des  
ins vj. moys, donques le E-  
uesq; presentera per laps, &  
ce luy que ad droit de pre-  
senter, recouera damages,  
come appiert per le statute  
de West. 2. cap. 5. ideo vide  
statutum. Auxy si cestuy q  
ad droyt de presenter a-  
pres le mort del Parson, &  
ne porta Quare impedir,  
ne Darraine presentment,  
mes suffer vn estrauinge de  
usurper sur luy, vntore il  
auera vn brieve de Droyt  
daduowson. Mes cest brief  
ne gist, si il ne clayme da-  
uer lauowson a luy & ses  
heires en fee simple.

*Quare incumbravit.*

**Q**uare incumbravit, ē vn  
briefe, & gist lou deux  
sont en plee pur lauowson,  
& Leuesq; admitta le clerk  
dū de eux deins le vj. mois,  
donques il auera cest brief  
vers le Euesque. Mes cest  
briefe gist tous foyt pen-  
dant le plee.

*Quare intrusit matrimo-  
nio non satisfacto.*

**Q**uare intrusit matrimo-  
nio non satisfacto, est  
X. vn

## The Exposition of

vn bñe, & gift lou le Seignior profera conuenable mariage a son gard, & il refusa & entra en la terre, & soy marrie a vn auter, donques le Seignior auera cest bñe vers luy.

a writ, & it lyeth where the Lord proffereth conuenable marriage to his ward, and he refuseth & entrench into the land, & marrieth himselfe to another, the Lord shall haue this writ against him.

368 *Quare non admisit.*

**Q**uare non admisit, est vn bñe, & gift lou home ad recouer vn Aduowson, & il maunda son conuenable clerke al Euesque pur este admettre, & le Euesque ne voile luy receiuer, donques il auera le dit bñe vers le Euesque. Mes bñe de Ne admittas gift, lou deux sont en plee, si le plaintife suppose que le Euesque voyt admit le clerke le defendant, donques il poyt auer cest bñe al Euesque, luy commandant que il ne luy admette pendant le plee.

*Quare non admisit.*  
**Q**uare non admisit, is a writ, & it lyeth where a man hath recovered an aduowson, and he sendeth his cōuenable clerk to the Bishop to bee admitted, & the Bishop will not receiue him, then he shal haue the said writ against the Bishop. But a writ de Ne admittas lyeth where two bee in plee, if the plaintife suppose that the Bishoppe will admit the clerk of the defendant, then hee may haue this writ to the Bishop, commanding him not to admit him hanging the plee.

369 *Quarentine.*

**Q**uarentine, est lou home deuie seisie de vn manner place & dauter terres, dont la feme doyt estre endowe, donques la feme tiendra se en le manner place, & la viue

*Quarentine.*

**Q**uarentine, is where a man dieth seised of a manor place & other lāds, whereof the wife ought to be endowed, then the woman may abide in the manor place, and there stue  
of

of the store & profits thereof  
of the space of forty daies  
within which time her dower  
shall be assigned, as  
it appeareth in Magna  
Charta, cap. 6.

de le store & profits de ceo  
per quarant iours, deins  
quel tēps son dower serra  
a luy assigne come appiert  
in Magna Charta, Capitu-  
lo 6.

370 *Quid iuris clamat.*

**Q**uid iuris clamat, is a  
writ, and lyeth where  
I graunt the reuerſion of  
my tenant for terme of life  
by fine in the kings court,  
& the tenāt wil not attorn,  
thē the grauntee ſhal haue  
this Writ for to compell  
him to attorne. But a  
Writ of *Quem redditum*  
*reddit* lyeth where I grāt  
by fine a rēt charge, or an  
other rent which is not rēt  
ſeruite which my tenant  
holdeth of mee, and the te-  
nant will not attorne, then  
the grauntee ſhall haue  
this Writ. And a writ of  
*Per quæ ſeruitia* lyeth in  
like caſe for rent ſeruite.

Alſo if I graunt foure  
diuers rents to one man, &  
the tenant of the land at-  
turneth to the grauntee by  
payment of a peny, or of  
an halfe peny in the name  
of attornement of all the  
rents, this attornmēt ſhall

*Quid iuris clamat.*

**Q**uid iuris clamat, eſt vn  
brieſe & giſt lou ieo  
grant le reuerſion de mon  
tenant a terme de vie per  
fine in Court le Roy, & le  
tenaunt ne voyt atturner,  
donques le grauntee auera  
ceſt brieſe pur luy chaſer  
pur atturner. Mes brieſe  
de *Quem redditum reddit*  
giſt lou ieo graunt per fine  
vn rent charge, ou auter  
rent que neſt rent ſeruite  
quel mon tenant tient de  
moy, & le tenant ne voyt  
atturner, donques le gran-  
tee auera ceſt brieſe. Et hī  
de *Per quæ ſeruitia* giſt en  
ſemble caſe pur rent ſer-  
uite.

Auxy ſi ieo graunt iiii.  
diuers rents a vn home, &  
le tenaunt de terre attor-  
na al grauntee per pay-  
ment de vn denier, ou  
vn male en noſme de at-  
tornement de tous ceux  
rents, ceſt attornement luy

Xij

mittera

## The Exposition of

mittera en seisin de tout cest rent. Mes ceux iij. briefes couient estre port vers eux que sont tenants iour del note leuy, & vers nul autres.

### 371 *Quinzime.*

**Q**uinzime est vn payement graunt en Parliament al Roy per les layes gentes, cestascavoir, le quinzime part de lour biens: Et fuit vse en auncient temps: destte leuie sur lour auers esteantes en lour terres, que chose fuit mult troublous, & pur ceo a ore pur le plus parte, cest voy est alter, & ils vse de leuie ceo per les Verges, ou Acre, ou aüter measure de terre. Per reason de que il est a ore meins troublous, & plus certaine que deuant il fuit. Et chescun ville & pays scient, quel summe est destte paie paienter eux, & coment ceo sera raise. Nous legimus que Moyses fuit le primer que number le people, car il number lez Israelites, & pur ceo le primer Taxe,

put him in seisin of all the rent. But these iij. writs ought to bee brought against those which are tenants at the day of note leuied, & against no other.

### *Fifteene.*

**F**ifteene, is a payment, graunted in Parliament to the King by the temporaltie, namely the fifteene part of their goods: And it was vbled in auncient time to bee leuied vpon their cattel going in their groundes, which thing was verie troublesome, and therefore now for the most part, that way is altered and they vse to leuie the same by the yarde, or Acre, or other measure of land. By meanes whereof it is now lesse troublesome, & moze certaine then befoze it was. And cuerte Towne and Country do know what summe is to be paid among them, and how the same shall be raised. We read that Moyses was the first that did number the people, for he numbered the Israelites. and therefore the first Taxe, subsidie,



subsidie, tribute, or fifteene was inuented by him among the Hebrewes as Polidore Virgil doth thinke.

372 *Quod ei deforciat.*

**Q**uod ei deforceat, is a writ, & it lyeth where the tenant in the Talle, tenaunt in Dower, or tenant for terme of life leeseeth by default in any action, then he that leeseeth shall haue this writ against him that recouereth, or against his heire, if he thinke that hee hath better right then hee which recouered. See the Statute West. 2. cap. 4.

373 *Quod permittat.*

**Q**uod permittat, is a writ, & it lyeth where a man is disseised of his common of pasture, and the disseisour alieneth or dyeth seised, and his heire entreth, then if the disseisee dye, his heire shall haue this writ.

374 *Quo iure.*

**Q**uo iure, is a writ, and it lyeth where a man hath had common of pasture in an other seuerall of late within the time of memorie, then he to whom

subsidie, tribute, ou quinzime suit inuent per luy entre les Hebrues, come Polidore Virgile suppose.

*Quod ei deforciat.*

**Q**uod ei deforciat, est vn brieve & gist lou tenant en le talle, tenaunt in Dower, ou tenaunt a ter ne de vie perde par default in ascun action, donques cestuy que perde auera cest brieve vers celuy que recouera, ou vers son heire, si il entende que il auoit melior droit que il que recouera. Vide le statute Westminster 2. cap. 4.

*Quod permittat.*

**Q**uod permittat, est vn brieve, & gist lou home est disseise de son common de pasture, & le disseisor alien ou deuise seise, & son heire entra, donques si le disseisee deuise son heire auera cest brieve.

*Quo iure.*

**Q**uo iure, est vn brieve, & gist lou home ad ew common de pasture en autre seuerall de darreine tēps deins le temps de memorie, donques celuy a que

## The Exposition of

apertient la feuerall auera cest brieve, & il sera charge de monstre per quel title il claime le common.

375 *Quo minus.*

**Q**uo minus est vn brief, & gitt lou vn home ad graunta a vn aurer housebote & heibote in son bois a prender chescun an, & celuy que fesoit le graunt fait uel wast & destruction que le grauntee ne poyt auer son reasonable estouers, donques le grauntee auera le auantedit brieve, & est en nature de brieve de wast.

Et nota, que housebote est appel certaine estouers pur amender la mealon. Et heybote est certaine estouers pur amender heys & hedges.

Et est auter brieve, appel Quo minus, en le Eschequer, quel ascun fermor ou dettor al Roy auera vers ascun auter pur dette ou trespasse, en le Eschequer en le office appelle le Common ples, per que le plaintife surmittera, que pur le tort, que le defendant fait

belongeth the feuerall shal haue this writ, and he shal bee charged to shewe by what title he claimeth the common.

*Quo minus.*

**Q**uo minus is a Writ, & it lyeth where a man hath graunted to another housebote & heybote in his wood to take euery yeere, & he that made the graunt maketh such wast and destruction that the grantee cannot haue his reasonable estouers, then the grantee shall haue the foresaide writ, and it is in nature of a writ of waste.

And note, that housebote is called certain estouers to mend the house. And heybote is certain estouers to mend heys and hedges.

And there is another writ called a Quo minus, in the Eschequer, which any fermor or dettor to the king shal haue against any other, for debt or trespass, in the Eschequer in the office called the common ples, by which the pl' shal surmise, that for he wrong, which the defendant doth to

to him, hee is lesse able to pay the King his debt or ferme, which is surmised to giue Jurisdiction to the Court of Exchequer, to heare & determine the cause of the suit betweene them, which otherwise should be determined in another Court.

376 Quo warranto.

QVo warranto is a writ, and it lyeth where a man usurpeth to haue any franchise vpon the King, then the King shall haue this writ, to make him to come before his Iustices, for to shew by what title he claime such franchise.

R.

377 Rationabilibus diuifis.

RAtionabilibus diuifis is a writ, and lyeth where there are two Lordships in diuers Townes, and one nigh the other, and any parcell of one lordship, or of waste, hath bene incroched by little parcels, the same Lord from whom the parcell of ground or of waste hath bin encroched,

a luy, il est meines able a payer le Roy son debt ou ferme, quel est surmise a donner Jurisdiction al Court Dexchequer, doyer & terminer la cause del suit enter eux, quel autrement serroit determine en autre Court.

Quo warranto.

QVo warranto est vn bre, & gist lou home vsurpe d'auer ascun franchise sur le Roy, donques le Roy auera cest briefe, de faire luy ven deuant ses Iustices, pur monstre per quel title il claime tiel franchise.

R.

Rationabilibus diuifis.

RAtionabilibus diuifis est vn briefe, & gist lou sount deux Seignouries en diuers villes, & vn pres le autre, & ascun parcel de vn Seigniorie ou de waste ad este encroche per petits parcels, & donques celuy Seignieur de quel parcel de terre, ou le waste ad este encroche

X iij.

auera

The Exposition of

aucra cest bñe enüs le Sñr q̄  
ad illint encroche.

shall haue this Writ a-  
gainst the Lord that hath  
so encroched.

378 *Rebutter.*

**R**Ebutter est, quant vn p  
fait ou fine grāt de gar-  
ranter ascun terre ou he-  
reditament a vn auter, &  
cestuy que fist le garranty,  
ou son heire sua celuy a q̄  
le garranty est fait ou son  
heyre, ou assignee, si ce-  
luy que est illint sue, plede  
enconter cestuy que sua,  
le dit fayt ou fine oue  
garranty, & demaund  
iudgement, si encounter  
cest garranty, le plaintife  
serra resceiue a demaun-  
der le chose que il doit  
garranter, encounter cel  
garranty per le fayt ou  
fine auant dist comper-  
nant tiel garranty, tiel ple-  
der del garranty est appel  
vn Rebutter.

*Rebutter.*  
**R**Ebutter, is when one by  
deed or fine grauntech  
to warrant any land or he-  
reditamēt to another, and  
he which made the warrā-  
tie, or his heire sue him to  
whom the warranty is  
made, or his heire, or assign-  
ner, for the same thing:  
now if he which is so sued,  
pledech against him which  
suech the said deed or fine  
with warranty, and de-  
maunde iudgement if the  
plaintife shall bee receiued  
to demand the thing which  
hee ought to warrant, a-  
gainst that warranty by  
the deed or fine aforesayde  
comprehending such war-  
rantie, such pleading of the  
warrantie is called a Re-  
butter.

379 *Redisseisin.*

**R**edisfeisin, Vide de ceo  
deuant en le title Assise.

*Redisseisin.*  
**R**edisfeisin, Look of that  
before in the title assise.

380 *Regrator.*

**R**Egrator est celuy que  
ad blees, victuals, ou  
autres choses sufficient

*Regrator.*  
**R**Egrator, is he that hath  
corne, victuals, or  
other thinges sufficient  
for

for his owne necessarie need, occupation, or spending, and doth neuertheless ingrosse and buy vp into his hands moze corn, victuals, or other such things, to the intent to sell the same againe at a higher & deerer price, in fayres, markets, or such like places: whereof see the statute 5. E. 6. ca. 14. for he shalbe punished as a Forfeiter.

pur son necessary beps, occupation, ou expences, & nient obstant engrosse, & achate en ses mains plus blees, victuals, ou auter tiels choses, al entent de vender ceo arrere al vn plus hault & chare price, en Faires, Markets, ou tiels semblables lieux: de que vide le statute 5. E. 6. cap. 14. car il serra puny cōc Fores taller.

381 Reioynder.

**R** Eioynder, is when the defendand maketh answer to the replication of the plaintife.

And euery Reioynder ought to haue these two properties specially, that is to say, it ought to bee a sufficient answer to the replication, & also to follow & enforce the matter of the barre.

382 Relation.

**R** Elation, is a terme in law, where, in consideration of law, two times, or other things, are considered so, as if they were al one, and by this the thing subsequeñt is saide to take his effect, by relation,

Reioinder.

**R** Eioynder, est quār le defendant fait respons al replication del plaintife.

Et chescun Reioynder doyt auer ceuz deux properties specialment, cest acauoir, il doit estre vn sufficient respons al replication, & auxy de subsequer & enforcer le matter del barre.

Relation.

**R** Elation, est vn terme en ley, lou, en consideration del ley, deux temps, ou auters choses, sont consideres tielmt, come si fues ront touc vn, & per ceo le chose subsequeñt est di de pcedr son force, p relation

## The Exposition of

al temps precedēt: Sicome vn deliuer vn elcript al vn destre deliuer al autre com fait cestuy que ceo deliuer, quant l'autre, a que serroyt deliuer, ad pay ascun summe de money, ore, quant le money est pay, & lescript deliuer, ceo serra repute cōe fait cestuy que ceo deliuer, al temps quant fuit primes deliuer. Et issint petitions de parliament, as queux le Roy assent al darrein iour del parliament, aueront relation, & prendront leur force del primer iour del commencement del parliament. Et issint est de diuers autres choses semblables.

### 383 *Release.*

**R**elease, est le don ou discharge del droyt ou action que ascū eit ou claimenners autre, ou son terre.

Et le release de droit est cōmunemēt fait quant vn fesoit vn fait a vn autre per ceux ou tielx parolx, Remisise, relaxasse, & omnino pro me & herēd meis quietū clāsse A. B. totū ius meū quod habui, ha-

at the time preceding: As if one deliuer a writing to one to be deliuered to another, as the deede of him who deliuered it, when the other, to whome it should be deliuered hath payde a summe of money: Nowe, when the money is payde, & h writing deliuered, this shalbe taken as the deede of him who deliuered it, at the time when it was first deliuered. And so petitions of parliament, to which the King assents on h last day of parliament, shal relate & be of force from the first day of the beginning of the parliament. And so is it of diuers other like things.

### *Release.*

**R**elease, is the gtuing or discharging of the right or action which any hath or claimeth against another, or his land.

And the release of right is cōmonly made whē one maketh a deed to an other by these or like words, Remised, released, & utterly for me & my heires quite claimed to A. B. all my right that I haue, or by any

any means may haue here after in one mesuage &c. But these word (whatsoever I may haue hereafter) bee void: For if the father be disseised, and the sonne release by his deede of release without warrantie all his right, by those words, (whatsoever I may haue hereafter &c.) & the father die, the son may lawfully enter in the possession of the disseisor.

Also in a release of right it is needfull that hee to whom the release shall be made, haue a freehold, or a possession in the landes in deed or law, or a reuerſion, at the time of the release made, for if hee haue nothing in the land at the time of the release made, the release shall not bee to him available. See more here of in Litt. lib. 3. c. 8.

384

*Reliefe.*

**R**eliefe, is sometimes a certaine summe of money that the heire shall pay to the Lord of whom those lands are holden, which after the decease of his ancestor are to him descended as next heire, Some-

beo, seu quouismodo in futurum habere potero in vno mesuagio &c. Mes ceux parolz (quouismodo habere potero) s'ont voides: Car si le pere soit disseise, & le fites release p son fait de release sans garrantie de tout son droit, per ceux parolz (quouismodo in futurum habere potero &c.) & le pere morust, le fites poit loyamment enter sur le possession le disseisor.

Auxy en vn release de droit il couient que il a que release serra fait, ad vn franktenement, ou vn possession en les terres en fait ou en ley, ou vn reuerſion al temps de le release fait, car si nad riens en le terre al temps de release fait, le release ne serra a luy available. Vide plus de ceo Littleton lib. 3. cap. 8.

*Reliefe.*

**R**eliefe, est ascun foies vn certaine summe de money que le heire paiera al Seignior de que ceux terres sont tenus, queux aps le decease de son ancestor sont a luy descende come prochaine heire, A-

can



## The Exposition of

cun foits il est le payment  
 dun autre chose, & nemy  
 money: Et pur ceo reliefe  
 nest certaine & semblable  
 pur toutes tenures, mes  
 chescun sundry tenure ad  
 (pur le plus part) son spe-  
 ciall reliefe certaine en luy  
 mesme. Neque est ceo  
 destre paie tous foits al  
 vn certaine age, mes il va-  
 rie en ceo auxy accordant  
 al tenure. Come si le tenat  
 ad terres tenus p service de  
 chivaler (forsprise graund  
 Serieantie) & morust, son  
 heire esteant de pleine age,  
 & tient ses terres per le  
 service dun entier fee de  
 chivaler, le Seignieur de  
 que ceux terres sont issint  
 tenus, auera del heire C. s.  
 nomine releuij, & si il tient  
 per meins que vn fee de  
 chivaler, il paiera meins,  
 & si plus, donques plus,  
 ayant respect tous foits  
 al rate pur chescun fee de  
 chivaler vn cent souz. Et  
 si tient per graund serie-  
 antie (que est toutes foits  
 del Roy, & est auxy ser-  
 uice de chivaler,) don-  
 ques le reliefe serra le va-  
 lue del terre per an, pre-  
 tes toutes charges issuant  
 times: it is the payment of  
 an other thing, & not mo-  
 ney: And therefore reliefe  
 is not certaine, and alibe  
 for all tenures, but euery  
 sundry tenure hath (for the  
 most part) his speciall Re-  
 lief certain in it self. Nei-  
 ther is it to bee paid al-  
 waies at a certaine age,  
 but varieth therein also ac-  
 cording to the tenure. As  
 if the tennaunt had landes  
 holden by Knights ser-  
 uice (except graund Ser-  
 teantie) and die, his heire  
 being at full age, & helde  
 his lands by the service of  
 a whole knights fee, the  
 lord of whom these lands  
 are so holden shall haue of  
 the heire C. s. in the name  
 of the Reliefe, & if he held  
 by lesse then a knights fee,  
 he shal pay lesse, & if more,  
 then more, hauing respect  
 alwaies to the rate for e-  
 uery knights fee an hun-  
 dred shillings. And if hee  
 held by graund Seriean-  
 tie (which is alwaies  
 of the King, and is also  
 knights service) then the  
 reliefe shal be the value of  
 the land by the yeare, be-  
 fore all charges issuing  
 out

out of the same. And if the landes bee holden in petit Seruitantie, or in socage, then for the reliefe the heir shall pay at one time, as much as he ought to pay yearly for his seruice, which is commonly called the doubling of the rent.

And if a man hold of the King in chiefe, and of other Lordes, the King shall haue the ward of all the lands, & the heire shall pay reliefe to al the Lordes at his ful age: but if lordes shall sue to the King by petition, and shal haue the rent for the tyme that the Infant was in ward.

And note that alwaies when the reliefe is due, it must be paid at one whole payment, & not by parts, although that the rent be to be paid at severall feastes.

387. *Remainders.*

**R**emainder of land is the land that shall remaine after the particuler estate determined: As if one graunte land for terme of years, or for life, & remaine to J. S. that is to say,

hors de ceo. Et si le terre soit tenu en petit Seruitantie, ou en Socage, donques pur le reliefe le heire payera al vn foits taunt que il doit payer annualment pur son seruice, quel est communement appelle le doubling del rent.

Auxy si home tient de le Roy en chiefe, & des autres Seignours, le Roy auera le garde de tous les terres, & le heire paiera reliefe a tous les Seignours a son pleine age, mes les Seignours luera al Roy per petition, & aueront le rent pur le temps que le Infant fuit en garde.

Et nota, que tous foits quant le Reliefe est due, il doit este paie al vn entier payment, & nemy per parts, nient obstant que le rent soit destepay al seueral feastes.

*Remainders.*

**R**emainder de terre est le terre que restera apres le particuler estate determine: Come si vn graunt terre pur terme de ans, ou pur vie, le remainder al J. S. cest adire, que

## The Exposition of

que quant le lease pur ans  
est determine, ou le lessee  
pur vie est mort, que don-  
ques le terre remaynera,  
serra, ou abide, oue, al, ou  
en I.S. Vide Reuerſion.

386 *Remitter.*

**R**emitter, est quauant vn  
home ad deux titles a  
ascun terre, & il vient al  
terre per le darreine title,  
vncore il serra adiudge e-  
ins per force de son plus  
eigne title, & ceo serra dit  
a luy vn Remitter: Come  
si tenant en le taile discon-  
tinua le taile, & puis dis-  
seise son discontinuee &  
morust ent seisi, & les ter-  
res discendent a son issue  
ou cosin inheritable per  
force del taile, en ceo case  
il est en son remitter, cest-  
a-scauoir, seise per force  
del taile, & le title del dis-  
continuee est ousterment  
anient & defeate, Et le rea-  
son & cause de tiel remit-  
ter est, pur ceo q̄ tiel heire  
est tenant del terre, & nest  
ascun person tenant vers  
que il poit suer son briefe  
de Formedone pur reco-  
uer le estate taile, car il  
ne puit auer action vers  
luy mesme.

that when h̄ lease for yerres  
is determined, or lessee for  
life is dead, that then the  
land shal remaine, shal be,  
or abide, with, to, or in J.  
S. See Reuerſion.

*Remitter.*

**R**emitter, is when a man  
hath two titles to any  
land, & he cometh to the  
land by the last title, yet he  
shall be iudged in by force  
of his elder title, and that  
shall be said to him a Re-  
mitter: As if the tenant in  
the taile discontinue the  
taile, & after disseiseth his  
discontinuee & dyeth there-  
of seised, & the lands dis-  
cendeth to his issue or co-  
sin inheritable by force of  
the taile, in that case he is  
in his Remitter, that is to  
say, seised by force of the  
taile, & the title of the dis-  
continuee is utterly ad-  
nulled & defeated, and the  
reason & cause of such re-  
mitter is, for that that such  
an heir is tenant of the land,  
& there is no person tenant  
against whom he may sue  
his writ of Formedon for  
to recouer the estate taile,  
for he may not haue an ac-  
tion against himselfe.

*Also*

Also if tenant in the tail infeoffe his sonne or heire apparant in the tail which is within age, and after dieth, that is a Remitter to the heire: But if he were of full age at the time of such feoffement, it is no Remitter, for that that it was his folly, that he being of full age, would take such a feoffement.

Also if the husband alien lands that hee hath in the right of his wife, and after take an estate againe to him and to his wife for terme of their liues, that is a Remitter to the woman, for that that this alienation is the act of the husband, & not of the woman, for no folly may be adjudged in the woman during the life of her husband: But if such alienation be by fine in court of record, such a taking againe afterward to the husband & wife for term of their liues shall not make the woman to be in her remitter, for that in such a fine the woman shall be examined by the Judge, & such examination in fines shall exclude

Auxy si tenant en le taylor enfeoffa son lrs ou heire apparant en le taile q est deins age, & puis deuie, ceo est vn remitt al hē: Mes si il fuit de pleine age al temps de tiel feoffemēt, il nest Remitter, pur ceo que il fuit son folly, que il esteant de pleine age, voyle prender tiel feoffement.

Auxy si le baron alienf-  
re que il ad en le droyt son feme, & puis reprist estate a luy & a son feme pur terme de leur vies, ceo est vn Remitter al feme, pur ceo que cest alienation est le act le baron, & ne my lact de la feme, car nul folly poyt este ad-  
iudge en feme durant le vie le baron: Mes si tyel alienation soyt per fine en Court de Recorde, tiel reprisel apres al baron & feme pur terme de leur vies, ne ferra la feme destre en sa Remitter, pur ceo que en tyel fine la feme serra examine per le Iudge, & tyelx examinations en fines excluderont tielx

## The Exposition of

tiels femmes a tous iours.

Auxy quant le entre de  
ascun home est congeable,  
& il prist estate a luy quant  
il est de plein age, si ne soyt  
per fait endente, ou matter  
de record, que luy estoppe-  
ra ceo serra a luy bon Re-  
mitter.

387

*Rents.*

**R**ents sont en diús manís,  
cesta scauoir, Rent ser-  
uice, Rent charge, & Rent  
secke.

Rent seruice, est lou le  
tenant en fee simple tyent  
sa rerí de son Sñr per fealty  
& certaine rent, ou per auí  
seruice & rent, & donqs si  
le rent de le tenāt soyt ar-  
rere, le Sñr poít distraín pur  
le rent: Mes pur ceo il iá-  
mais nauera action de  
debt.

Auxy si ieo done terres  
en le taylor a vn home pay-  
ant a moy certain rent, ore  
tiel rent est rent seruice:  
Mes en tiel case il couient  
que le reuerſion soyt en le  
donor: Car si home fait  
feoffement en fee, ou vn  
dome en taylor, le reman-  
der ouster en fee ians fait,  
reſeruant a luy vn rent,  
tiel reſeruation est voyde,

such women for ever.

Also when the entre of  
any mā is lawfull, & he ta-  
keth an estate to him when  
he is of full age, if it be not  
by deed indented, or matter  
of record, which shall estop  
him, that shall bee to him a  
good Remitter.

*Rents.*

**R**ents bee in diuers ma-  
ners, that is, Rent ser-  
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Rent seruice, is where  
the tenant in fee simple  
holdeth his lande of his  
Lord by fealty & certayne  
rent, or by other seruice &  
rent, and then if the rent of  
the tenant bee behind, the  
Lord may distraín for the  
rent: But for that he shall  
not haue an action of debt.

Also if I giue land in  
taylor to a man paying to  
me certayne rent, then such  
rent is rent seruice: But  
in such case it behooueth  
that the reuerſion be in the  
donor: For if a man make  
a feoffmēt in fee, or a gift  
in tail, the remainder ouer  
in fee without deed, reſer-  
uing to him a certayne rent,  
such reſeruation is voyde,  
and

and that is by the Statute  
Quia emptores terrarum,  
and then hee shall hold of  
the Lord of whom his do-  
nour held.

But if a man by deede  
indented at this day make  
such gift in taile, the re-  
mainder ouer in fee, or  
lease for terme of life, the  
remainder ouer, or a fesse-  
ment, & by the same inden-  
ture reserue to him rent, &  
that if the rent be behind,  
that well it is lawfull to  
him to distraine, then such  
rent is rent charge.

But in such case, if there  
be not any such clause of  
distresse in the deede, then  
such rent is called rent seck,  
& for such rent seck he shal  
neuer distraine, but if he  
were once seised, hee shall  
haue assise, & if he were not  
seised, he is wout remedy.

And if one graunt a  
rent going out of his land  
with clause of distres, that  
is rent charge, and if the  
rent be behind, the graun-  
tee may chuse to distraine  
or sue a writ of Annuite,  
but he cannot haue both,  
for if hee buyng a Writ of  
Annuite, then the land is

& ceo est per force del sta-  
tute Quia emptores terra-  
rum, & donques il tiendra  
de le Seignior de que son  
donour tenoit.

Mes si home per fait in-  
dent a cel iour fait tiel do-  
ne en le taile, le remainder  
ouster en fee, ou lessa p  
terme de vie le remainder  
ouster, ou vn feoffement,  
& per mesme l'indenture  
reserua a luy vn rent, &  
que si le rent soyt arriere, q  
byen lirroist a luy a distrai-  
ner, ore tiel rent est rent  
charge.

Mes en tiel case, si la ne  
soyt aucun tiel clause de  
distresse en le fait, donques  
tiel rent est appellet seck,  
& pur tiel rent seck, il ne  
i'ammass distrainera, mes  
si fuit vn fois seisi, il auera  
Assise, & si il i'ammass ne  
fuit seisi, est sans remedy.

Auxy si vn graunt vn  
rent issuant hors de la terre  
oue clause de distresse, cest  
vn rent charge, & si le  
rent soit arriere, le grauntee  
poyt essier de distraîner ou  
suer vn briefe Dannuite,  
mes il ne poyt auer ambi-  
deux, car sil port briefe de  
Annuity, doncs le terre est

## The Exposition of

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mes il ne poyt auer ambi-  
deux, car sil port briefe de  
Annuity, doncs le terre est

## The Exposition of

discharge. Et si il distraint & auowe le prisell en Court de recorde, donques le terre est charge, & le person del grauntor discharge.

Auxy si vn grant vn rent charge, & le grauntee purchale le moytie, ou aucun autre part ou parcel de le terre, de quelque petite value que il soyt, donqs tout le rent est extinct.

Mes en rent seruice si le Seignior purchase parcel del terre, donques le rent serra apporcion.

Mes si vn ad vn rent charge, & son pere purchase parcel del terre, & cel parcel discede a le fits que ad le rent charge, ore cel rent serra apporcion solonque le value del terre, come est dit de rent seruice, pur ceo que le fits ne vient a ceo per son auct demesne, mes per discent.

Auxy si ieo face vn lease pur terme dans reseruant a moy vn certaine rent cest appel vn rent seruice, & pur ceo il est a mon libertie a distraire pur le rent, ou auer vn action de

discharged. And if he distraine and auow the taking in the Court of record, then the land is charged, and the person of the grauntor discharged.

Also if one grant a rent charge, and the grauntee purchaseth halfe, or any other part or parcel of the land, of whatsoever small value it be, then al the rent is extinct.

But in rent seruice if the Lord purchase parcel of the land, then the rent shall be apporcioned.

But if one hath a rent charge, & his father purchase parcel of the land, and that parcel discedeth to the sonne which hath the rent charge, then the rent shall bee apporcioned according to the value of the land, as it is said of rent seruice, for that that son cometh to that not by his owne act, but by discent.

Also if I make a lease for terme of yeeres reseruing to me a certaine rent that is called a rent seruice, & for that it is at my libertie to distraire for the rent, or to haue an action of debt,

debe, but if the lease be determined, and the rent bee behind, then I cannot distraine, but shall bee put to my action of debt.

And note well, that if þe Lord bee seised of the service & rent before said, and they be behind, and bee distraine, and the tenant rescueth the distresse, he may haue Writ, or a Writ of Rescous, but it is moze necessarie for him to haue assise, then a writ of Rescous for þe by assise he shall recouer his rent and his damages, but by a Writ of rescous he shal not recouer but damages, & the thing distrained shal be reprimed.

And note well, that if þe Lord bee not seised of the rent and service, and they be behind, and he distraine for them, and the tenant take againe the distresse, he shall not haue assise, but a writ of Rescous, and the Lord shall not neede to shew his right.

And note well, that if the Lord may not finde a distresse by two yeare, he shal haue against þe tenant a writ of Cessauit þe bien-

det, mes si le lease soyt determine, & le rent soit arrearé dōqs ieo ne puisse distraire, mes serra myse a mon action de det.

Et nota que si le Seigneur soyt seise des services & rent auant dits, & ils soyent aderere, & il distraint, & le teneant rescue le distresse, il poit auer assise, ou brieve de Rescous. Mes il est plus necessarie pur luy de auer assise, que brieve de rescous, pur taunt que per Assise il recouera son rent & ses dommages, mes per cest b're de rescous il ne recouera mes damages, & le chose distraint ser' reprise.

Et nota que si le Seigneur ne soyt my seise del rent & service, & ils sont aderere, & il distraint pur eux, & le tenant repren le distresse, il ne poyt my auer assise, mes b're de rescous, & ne couient my al Seigneur de monst're son droit.

Et nota que, si le Seigneur ne poyt my trouer distresse per deux ans, il auera vers le teneant brieve de Cessauit þe bien-

## The Exposition of

nium, vt patet per le statute de Westminster 2. cap. 21. Et si tenaunt deuie en le meane temps & son issue enter, le Seignior auera vers le issue briefe dentre sur Cessauit, ou si le tenaunt alien, le Seignior auera vers le alienee le auantdit briefe. Mes si le Seignior ad issue & deuie, & le tenaunt soyt in arrearages de dit rent & seruitices en le temps le pier del issue, & nemy en le tēps del issue, il ne poyt my distrayne pur arrearages en temps son pier, & nauera aucun auter recovery vers le tenaunt ou aucun auter, pur ceo que tiel aduantage est done per le ley al tenant. Et nota que rent service est ceo, a quel appent fealtie, mes a rent charge & rent secke ne appent pas fealtie, mes il appent a rent service de common droyt.

Et nota si home distrayne pur rent charge, & le distresse soyt rescu de luy, & il ne fuit mie seysie adeuaunt, il ne ad my recovery forsque per

nium, as it appeareth by the statute of West. 2. ca. 21. And if the tenant dye in the meane time and his issue enter, the Lord shall haue against h<sup>e</sup> issue a writ of Entry b<sup>y</sup> Cessauit, or if the tenant alien, the lord shall haue against h<sup>e</sup> alienee the foresaide writ. But if the Lord haue issue & dye, and the tenant be in arrearages of the said rent and service in the time of the father of the issue, and not in the time of the issue, he may not distraine for the arrearages in h<sup>e</sup> time of his father, & he shall haue none other recovery against the tenant or any other, for that that such aduantage is giuen by the law to h<sup>e</sup> tenant. And note well that rent service is that to h<sup>e</sup> which belongeth fealtie, but to rent charge and rent seck belongeth not fealtie, but it belongeth to rent service of common right.

And note that if a man distraine for rent charge, & the distres be take against his will from him, and hee was neuer seised befoze, he hath no recovery but by writ

writ of Rescous for the distress first takē, giueth not to him seisin, only if he hap the rent befoze, for if hee were seised of the rent befoze, and after the rent bee behind, & hee distraine, and rescous to him be made, he shall haue Assise, or a writ of Rescous.

And note wel that in euery Assise of rent charge, and annual rent, or in a writ of Annuittie, it beho- uerh to him that bringeth the writ, to shew forth an especialtie, or els hee shall not maintaine the Assise. But in an Assise of Mort- auncestor, or Formedon in the discender, or other writs (in the which title is giuen or comprised) brought of rent charge, or annual rent, it needeth not to shew the especialty.

And note wel, that if a man graunt a rent charge to another, & the grauntee releas to the grantor par- cel of the rent, yet all the rent is not extinct.

And note well, that if rent charge be granted to two ioyntly, and the one releas, yet the other shall

bŕe de Rescous, car le di- stressé primermt fait ne dōe a luy seisin, forsque sil hap le rent adeuaunt, car sil fu- it seisié del rent adeuant & puis le rent soit aderere, & il distraine, & rescous a luy soyt fait, il auera Assise, ou bŕe de Rescous.

Et nota, que en chescun assise de rent charge & an- nual rent, ou en vn bŕe de Annuittie, couient a celuy que port le brieve de mon- stre auant vn especialtie, ou autrement il ne main- teinera le Assise. Mes en Assise de Mortdauncestor, ou Formedon en le discē- der, & auŕs bŕs, (en les q̄ux title est done ou comprise) port de rent charge, ou de annual rent, nē my besoign de monstre especialty.

Et nota bien, q̄ si home grant rent charge a vn auŕ, & le grauntee releſſa al grantor parcell de le rent, vncore tout le rent nē ex- tinct.

Et nota bien, que si rent charge soyt graunt a deux ioyntment, & le vn releſſa, vncore le auter  
Y ii. auera

## The Exposition of

auera le moity del rent. Et  
auxy si luy purchase le moi-  
ty de le terre dont le rent  
est illuant, l'auter auera le  
moity del rent de son cō-  
paignon: Et si le disseisor  
charge la terre a vn estrāge,  
& le disseisee port le Assise  
& recouer, le charge est  
defayt. Mes si celuy que  
ad droyt, charge la terre, &  
vn estrange faine vn faux  
action enuers luy que nad  
droyt, & recouer per  
default, le charge de-  
mura.

Et nota bien, q'en case  
que purpartie soyt peren-  
ter deux parceners, & plu-  
isterre soyt allotte a lun  
que a l'auter, & el que  
ad plus del terre, charge  
sa terre al auter, & el  
happe le rent, el main-  
tynera Assise sans espe-  
cialtie.

Et est vn rent seck, lou  
home tyent de moy per  
homage, fealtie, & auter  
seruices, rendant a moy vn  
certaine rent per an, & ieo  
graunt cest rent a vn auter,  
reseruant a moy les seru-  
ices.

Et nota byen, que si rent

haut the halfe of the rent.  
And also if the one pur-  
chase the halfe of the land  
whereof the rent is going  
out, the other shal haue the  
halfe of the rent of his cō-  
panion: and if the disseisor  
charge the land to a stran-  
ger, & the disseisee bring an  
assise and recouer, the  
charge is defeated. But if  
hee that hath right, char-  
geth the land, & a stran-  
ger faine a false action a-  
gainst him which hath no  
right, & recouereth by de-  
fault, the charge abideth.

And note well, that in  
case that partition bee be-  
tweene two parceners, &  
more land bee allowet to  
one then to the other, and  
shee that hath most of the  
land, chargerth her land to  
the other, & shee happeneth  
the rent, she shall maintain  
Assise without especialtie.

And it is a Rent secke,  
where a man holdeth of  
me by homage, fealty, and  
other seruice, yeelding to  
me a certaine rent by the  
yeare, and I graunt this  
rent to another, reseruing  
to me the other seruices.

And note well, that if rēt  
secke

seck be graunted to a man and to his heires and the rent bee behinde, and the grantor die, the heire may not distraine nor shall recouer the arrerages of the time of his father, as it is befoze saide of rent seruice.

And in the same maner it is to say of rent charge or annual rent: But in all these rents befoze saide the heire may haue for the arerages in his own time such aduantage as his father had in his life. See the Statute 32. Hen. 8. Cap. 37.

And note well that in rent secke, if a man be not seised of the rent, and it be behinde, hee is without recouerie, for that that it was his owne folly at the beginning when the rent was graunted to him or reserued, that he tooke not seisin of the rent, as a penny or two pence.

And note well that a man may not haue a Cessauit per biennium, or another Writ of Entie sur Cessauit for no rent secke behinde by two yeares, but

seck soyt grant a vn home & a ses heires, & le rent soyt aderere, & le grauntour deuye, le heyre ne purra my distrainer, ne recouera les arrerages de temps son pere, sicome est auantdit de rent seruice.

Et en mesme le maner est adire de rent charge ou annual rent: Mes en tous les rents auantdits le heir purroit auer pur arrerages en son temps demesne tiel aduantage come auoyt son pere en sa vie. Vide Statutum 32. Hen 8. cap. 37.

Et nota que en rent secke, si home ne soyt seise del rent, & il soit aderere, il est sauns recouerie, pur ceo que il fuit son folly demesne adeprimes quant le rent fuit graunt a luy ou reserue, que il ne prist my seisin del rent, si come vn denier ou deux.

Et nota que home ne poyt my auer Cessauit per biennium, ou vn autre brieve dentre sur Cessauit pur nul rent secke aderere per deux ans, mes



## The Exposition of

ils purront tantsolemēt pur  
rent seruice, vt patet in le-  
statute W. 2. c. 21.

Et nota que en rent  
secke il couient pur luy que  
sue pur le rent secke pur  
monstre fait al tenaunt, ou  
auterment le tenaunt ne  
serra my charge del rent,  
forsque lou le rent secke  
suit rent seruice adeuaunt,  
come en cest case : Seig-  
niour, mesne, & tenaunt,  
& chescun de eux tient de  
auter per homage & feal-  
tie, & le tenaunt del mes-  
ne per x. s. de rent, le Seig-  
niour paramount purchase  
les terres ou tenementes  
del tenaunt, tout le Seigni-  
ory del mesne, forsprie le  
rent est extinct : Et pur  
cest cause cest rent est  
deuenus rent secke, & le  
rent seruice change, car il  
nepoye distraine pur cest  
rent, & en cest case ce-  
luy que demaunda le rent  
ne serra iammes charge de  
monstre fait.

Auxy en brieve de Mor-  
dancester, Aile, ou Besaile,  
de rent secke, il ne besoigni  
de monstre especialtie,  
pur ceo que ceux briefes

only for rent seruice, as it  
appeareth in the Statute  
W. 2. c. 21.

And note well that in  
rent secke it behoueth him  
that sueth for the rent secke  
for to shewe a deed to the  
tenaunt, or els the tenaunt  
shall not be charged with  
the rent, but where the  
rent secke was rent seruice  
before, as in this case :  
Lord, mesne, and tenaunt,  
and euery of them holdeth  
of other by homage & feal-  
tie, and the tenaunt of the  
mesne by x. s. of rent, the  
Lord paramount purcha-  
seth the lands or tenements  
of the tenant, all the seig-  
norie of the mesne but the  
rent is extinct : And for  
this cause this rent is be-  
come rent secke, and the  
rent seruice changed, for  
hee may not distraine for  
this rent, and in this case  
hee that demaundeth the  
rent shall neuer be charged  
to shew a deed.

Also in a writ of Mor-  
dancester, Aile, or Besail,  
of rent secke, it needeth  
not to shewe a specialtie  
for that these Writtes  
of

of possession doe comprehend a title within themselves, that is to say, that the aunccestour was seised of the same rent, and continued his possession, because of which seisin the law supposeth that it is also auerrable by the countrey.

Yet learne, for some suppose that it behooueth of necessity to shewe forth a deede, for that that rent seck is a thing against common right, as well as rent charge.

But in Assise of Nouel disseisin, and in a writ of Entre sur disseisin brought of rent seck, it behooueth of necessity to shewe forth a deede, for that that rent seck is a thing against a common right, except in the case before said, where it was rent seruice before, and by the act in law it is become a rent secke.

And assise of Nouel disseisin, and a writ of Entre sur disseisin, containe within them no title, but suppose a disseisin to be done to the plaintife, and of the entendement of the lawe,

de possession comprehend vn title deins eux mesmes, cestascavoir, que le aunccestour fuit seisi de mesme le rent, & continua son possession, per cause de quel seisin le ley suppose que est auxy auerrable per le pays.

Tamenquere, car ascuns supposant que il couient a fine force a monstre auant fait, pur ceo que rent seck est vn chose encounter comon droit, auxy bien come rent charge.

Mes en Assise de Nouel disseisin, & en brieve de Entre sur disseisin port de rent seck, il couient de fine force de monstre auant fait, pur ceo que rent seck est vn chose encounter common droit, sinon en le case suiddit, ou il fuit rent seruice adeuant, & per last del ley est deuenus rent secke.

Et Assise de Nouel disseisin, & brieve de Entre sur disseisin, ne conteigne deins eux nul title, mes supposant vn disseisin deste fait a le plaintife, & de entendement del ley,

The Exposition of

le dissein ne done nul  
cause de auerrement en-  
counter cōmon droit, mes  
de fine force il monstra  
auaunt especialtie.

388

*Repleuin.*

**R** Epleuin, est vn briefe,  
& gist qu'aunt alcun  
home distraigne vn auter  
pur rent ou auter chose,  
donques il auera cest  
briefe al Vicont pur de-  
liuer a luy le distres, &  
trouera suertie de pur-  
suer son action, & si  
il ne pursua, ou si soit  
troué & iudged encoun-  
ter luy, donque cestuy  
que prist le distresse re-  
auera le distres, & cest ap-  
pelle retourne des auers, &  
il auera en tiel case briefe  
que est appelle Returno  
habendo.

Auxy si soynt en alcun  
franchise ou bayliwicke,  
le partie auera vn Reple-  
uin del Vicount direct al  
Bailife de mesme le fran-  
chise pureux redeliuer, &  
il trouera suertie de pur-  
suer son action al pro-  
cheine countie. Et cest  
Repleuin poit estre re-  
mouehors del Countie  
eale Common bank per

the dissein graunt no  
cause of auerment against  
common right, but of ne-  
cessite it behoueth to shew  
forth a deed.

*Repleuin.*

**R** Epleuin, is a writ, and  
it speeth where any man  
distrainteth an other for  
rent or other thing, then  
he shall haue this writ to  
the Shirefe to deliuer to  
him the distres, and shall  
find suertie to pursue his  
action, and if he pursue it  
not, or if it be found or  
iudged against him, then  
he that tooke the distresse  
shall haue againe the di-  
stres, & that is called the  
returne of the beasts, and  
he shall haue in such case  
a writ that is called Re-  
turno habendo.

Also if it bee in any  
franchise or bayliwick, the  
party shall haue a Reple-  
uin of the Shirefe directed  
to the Baylife of the same  
franchise for to deliuer  
them againe, & he shall find  
suertie to pursue his action  
at the next Countie And  
this Repleuin may bee re-  
moued out of the Countie  
vnto the cōmon place by a  
writ

Writ of Recordare.

Looke moze of Repleuin in the title Distres.

Also a writ of Homine replegiando lyeth where a man is in prison, & not by special cōmandemēt of the king, nor of his iustice, nor for the death of a man, nor for the king's forest, nor for such cause that is not repleuiftable, then hee shall haue this writ directed to the shirife, & he cause him to be repleued: this writ is a Iusticies & not retournable, & if the shirife doe it not, then there shall goe forth an other writ, Sicut alias, & afterwarde another writ Sicut pluries, vel causam nobis significes, which shalbe returnable, & if the shirife yet make no repleuin, then ther shal goe forth an Attachmēt against the shirife, directed to the Coroners to attach the shirife, & to bring him before the Iustices at a certain day, and furthermore the they make execution of the first writ.

389 Replication.

Replication, is when the defendant in any action maketh an answer, & thet

briefe de Recordare.

Vide plus de Repleuin deuant titulo Distres.

Auxy briefe de Homine replegiando gist lou vn home est en prison, & ne my per especial commandement le Roy, ne de ses Iustices, ne pur le mort de home, ne pur le forest le Roy, ne pur tiel cause que nelt repleuifable, donques il auera cest briefe directe al vicont, que il luy faire este repleunie: Et cest briefe est vn Iusticies & nient returnable, & si le vicont ne ceo face, donques issira auter briefe, Sicut alias, & apres auter b're Sicut pluries, vel causam nobis significes, que serra returnable, & si le vicont vncore ne face repleuin, donques issira vn Attachement vers le Vicont, direct al Coroners dattacher le vicont, & de luy amesner deuant les Iustices a vn certaine iour, & ouster ceo que ils facent execution del primer briefe.

Replication.

Replication, est quant le defédât en aucun action fait respons, & le plaintiffe fait

# The Exposition of

fuit vn respons a ceo, ceo ē  
appel le Replication del  
plaintife.

390 *Reprises.*  
**R**Eprises, sont deductiōs,  
paiments, & duties, que  
va annuelmēt & sont pay  
hors dun manor: Cōm rent  
charge, rent seck, pensions,  
corodies, annuities, fees  
de Seneschals, ou Bailifs,  
& tiels semblēs.

391 *Resceit.*  
**R**Esceit, est quant ascun ac-  
tion est port vers tenāt  
pur terme de vie, ou tenāt  
a terme dans, & cestuy en  
la reuerſion vient eins &  
pria deſtre reſceiue pur de-  
fendela terre, & pur pled  
ouesq; le demandant. Au-  
xy quant il vient il courent  
que il soit tous ſoits priſt a  
plederoue le demaundant.  
En meſme le maner ſeme  
ſerra reſceiue pur defaule  
ſon baron en action port  
verseux ambideux. Et auxy  
tenaunt pur ans ſerra reſ-  
ceiue a defende ſon droit,  
lou en vn action port vers  
tenant del frankenement  
il pledo ſaintmēt.

maketh an answer to that,  
that is called the Replika-  
tion of the plaintife.

## Reprises.

**R**Eprises, are deductions,  
payments, and duties,  
that go yearly, & are payd  
out of a manor: As rent  
charge, rent seck, pensions,  
corodies, annuities, fees of  
Stewards, or bailiffs, &  
such like.

## Receit.

**R**ECEIT, is when any ac-  
tion is brought against  
the tenant for terme of life  
or tenāt for terme of yerēs,  
& he in the reuerſion com-  
meth in and prayeth to bee  
receiued for to defend the  
land, & for to pleade with  
the demaundant. And  
when hee commeth it be-  
houeth that hee bee alway  
ready to plede with the de-  
maundant. In the same  
maner a wife ſhalbe recei-  
ued for the default of her  
huſhād in an actiō brought  
against them both. And  
also tenant for yerēs ſhall  
be receiued to defend his  
right, where in an action  
brought against the tenāt  
of the freehold hee pledeth  
ſaintly.

394 *Rescous.*

**R**escous, is a writ, and it lyeth when any man taketh a distress, & another taketh it againe from him, & will not suffer him to carry the distress with him, the he doth to him Rescous, & by that he may haue this writ, and shall recouer damages.

Also if one distrayne beastes for damage fesant in his ground, & dyqueth them in the highway for to impound them, and in going they enter into the house of him whose they be, and he withholdeth the there, and will not suffer the other to impound the, then that withholding is a Rescous.

395 *Reservation.*

**R**eservation, is taken diuers waies, and hath diuers natures, as sometimes by way of exception to keepe that which a man had before in him: as if a lease be made for yeares of grounde reseruing the great trees growing by on the same, now the lessee may not medle with them, nor with any thing that

*Rescous.*

**R**escous, est vn briefe, & gist quant ascū hōe prēt distresse, & vn aū reprist le distresse de luy, & ne voyle suffer luy de amesner le distresse oue luy, donques il fayt a luy Rescous, & sur ceo il poit auer cest briefe, & recouera damages.

Auxy si vn distrayne beastes pur damage fesant en la terre, & les enchasea per le hault chemin pur eux enparker, & en alant ils entrent en le meason de celui a que ils sont, & il eux detient la, & ne voile suffer l'auter de eux enparker, donques ceo detainer est Rescous.

*Reservation.*

**R**eservation, est prise diuers voies, & ad diuers natures, come ascun foyt per voy de exception de reserve ceo que vn home ad denant en luy: Come si vn lease soyt fayt pur ans de terre reseruant les grand arbors cressants sur ceo, ore le lessee ne poyt medle ouesque eux, ne ouesque ascun chose que vient

## The Exposition of

vient per reason de eux si  
longe, come il demurt en,  
ou sur les arbours, come  
mast de Oke, chestnut, po-  
mes, ou tiels semblables :  
Mes sil chient del arbors al  
terre, donques ils sont en  
droit le lessées, car le terre  
est lessé a luy, & tout sur  
ceo nient reserue &c.

cometh by reason of them  
so long, as it abideth in, or  
upon the trees, as mast of  
Oke, Chestnut, Apples,  
or such like: But if they fall  
from the trees to the ground  
then they are in right the  
lessées, for the ground is  
let to him, and all therup-  
on not reserued &c.

Ascun foits vn reserua-  
tio obtaineth & port hors  
vn aut chose que ne fuit de  
uant: Come si vn hom le-  
sa ses terres reseruant an-  
nualment pur ceo xx. li.  
&c. Et diuers autres tiels  
reservations y sont.

Sometimes a reserua-  
tion doth get & bring forth  
another thing which was  
not before: As if a man  
lease his lands reserving  
yearly for the same xx.l.  
&c. And diuers other such  
reservations there be.

Et nota, que en auint  
temps, leur reservations  
fueront cybien (ou pur le  
plus part) en victuals, soyt  
ceo carne, pishe, blees, pa-  
ne, boyer, ou autrement, com  
en money, tanque al dar-  
reine, & especialm̄t en le  
temps del Roy Henry le 1.  
per agreement, le reserua-  
tion de victuals fuit chāge  
en prist money, come il ad  
tanque cy continue.

And note, that in a-  
uint time, their reserua-  
tions were as wel (or for the  
more part) in victuals,  
whether fleshy, fish, corne,  
bread, drinke, or what els,  
as in money, untill at the  
last, & that chiefly, in the  
regne of King H. 1. by a-  
greement, the reservation  
of victuals was chaunged  
into redy money, as it hath  
hitherto since continued.

394 *Resignation.*  
**R**esignation, est lou vn  
incumbent dun Eglise

*Resignation.*  
**R**esignation, is where an  
incumbent of a Church  
re-



resigneth or leaueth to the Ordinarie, which did admit him to it, or to his successors, and that differeth from surrender, when by that he to whom the resignation is made, hath no interest in the thing so resigned, but hee to whome the surrender is made hath by that the thing in selfe, by that surrender.

395 *Retraxit.*

**R**etraxit, is the preterperfectionce of Retraho, compounded of Re and Traho, which make Retraho, to pul backe. And is when the partie plaintiffe or demaundant cometh in proper person into the Court where his plee is, and saith that he will not proceed any farther in the same &c. now this shal be a barre to his action for euer.

396 *Reue.*

**R**eue is an Officer, but more knownen in auncient time then at this day: for almost euery manor had then a Reue, and per vint in many Copyhold manors (where the old custome any thing preuaileth) the name & office

resigne ou relinquish al Ordinarie, que luy ayt admit a ceo, ou a ses successeurs, & ceo differ del surrender, quant per cel il a que le resignation est fait nad aucun interest en le chose illint resigne, mes cestuy a que surrender est fait auoit per ceo le chose mesme, per ceo surrender.

*Retraxit.*

**R**etraxit, est le preterperfectionce de Retraho, compound de Re & traho, que signifie Retraho, pur euller arriere. Et est quant le partie plaintiffe ou demaundant vient en proper person en le Court lou sen suit est, & dit que il ne voit vterius prosequi in placito illo &c. Ore ceo terra vn barie al action a toutes iours.

*Reue.*

**R**eue est vn Officer, mes plus conus en auncient temps que a cest iour: Car chescun manour ad donques vn Reue, & vncore en diuers Copyhold manours (ou le veyle custome ascun chose preuaile) le noisme & office nest

# The Exposition of

nest en tout oblie : Et est  
en effect ceo que a ore  
chescun Bailife dun ma-  
nour practise , nient ob-  
stant le nosme de Bay-  
life ne fuit donques en  
vre enter nous esteant  
puis port eins : per les  
Normans : Mes le nosme  
de Reeue auncientment  
appelle Gereue, (quel par-  
ticle ( Ge ) en continu-  
ance de temps fuit ouster-  
ment omise & perde ) vi-  
ent del Saxon parol Gere-  
fa , que signifie vn Ru-  
ler : Et issint verament son  
rule & aucthoritie fuit  
large deins le compasse  
del manor son Seignior,  
& enter ses homes & te-  
nants, sibien en choses de  
gouvernement en peace &  
guerre, come en le skil-  
full vse & trade de hus-  
bandrie : Car sicome il  
collect les rents del Seig-  
nior, paie reprises ou  
duties, issuant hors del  
manour, appoint les ser-  
uants de worker, succide  
& decoupe arbres pur re-  
pairer les edifices, & en-  
closures, ouesque diuers  
tiels semblables pur le  
commoditie del Seignior :

is not altogether forgot-  
ten : And is in effect that  
which now euery Bay-  
life of a mannor practi-  
seth, although the name  
of Baylife was not then  
in vye among vs , being  
since brought in by the  
Normans : But the name  
of Reeue aunciently cal-  
led Gereue, (which partic-  
le ( Ge ) in continuance of  
time was altogether left  
out and lost ) came from  
the Saxons word Gere-  
fa, which signifieth a Ru-  
ler : And so in deede his  
rule and authoritie was  
large within the compasse  
of his Lords manor , and  
among his men and te-  
nants, as well in matters  
of gouernement in peace  
and warres, as in the skil-  
full vse and trade of hus-  
bandrie : For as hee  
did gather his Lordes  
rents, pay reprises, or  
duties, issuing out of  
the manour, set the ser-  
uantes to worke, fell  
and cut downe trees to  
reparre the buildinges,  
and inclosures , with  
diuers such like for  
his Lordes commoditie :

So also he had authoritie to gouerne and keepe the tenants in peace, & if need required, to lead the s<sup>o</sup>th in warre.

Il l'ont auxy il ad authorite de gouerner, & garder les tenants en peax, & si besoigne, de conducer eux en guerre.

397. Reuerſion.

**R**euerſion of land, is a certaine estate remayning in the lessour or donour, after the parricular estate and possession conueyed to another by lease for life, or yeares, or gift in taylor:

And it is called a Reuerſion in respect of the possession seperated from it: so that he that hath the one, hath not the other at the same time for being in one body together, there cannot be said a Reuerſion, because by the uniting the one of them is drowned in the other.

And so the reuerſion of land, is the land it selfe when it falleth.

398. Riot.

**R**iot, is where three (at the least) or more, doe some vnlawfull act: as to beat a man, enter vpon the possession of another, or such like.

*Reuerſion.*

**R**euerſion de terre, est vn certaine estate remaynant en le lessor ou donour, apres le parricular estate & possession conuey al vn autre p lease pur vie, ou ans, ou done en taile.

Et est appel vn Reuerſion en respect de le possession separee de ceo: ainsi que il que ad le vn, nad le autre a mesme le temps, car esteat en vn corps simul, la ne poit este dit vn reuerſion, pur ceo que per le uniting lun est merge en l'autre.

Et ainsi le reuerſion del terre, est le terre in quant il escheuet.

*Riot.*

**R**iot, est lou trois (al meines) ou plures font ascun illoyal acte come de bater vn home, entre sur le possession dun autre, vel huiusmodi.

Z

# The Exposition of

399

## Robbery.

**R**Obbery, est quant vn home prent alcu chose del person dun autre feloniously, coment que la chose prise ne soyt al value forsque dun denier, vncore il est felony, pur quel le offender suffera mort.

400

## Rout.

**R**Out est quant people assemble eux mesmes, & puis procedant, ou chiuant, ou allant auant, ou mouent per instigation de vn ou plusors, que est conduit de eux: Cest appel vn Rout, pur ceo que ils mouent, & proceed en routs & numbers.

Item ou plures assemble eux sur leur quarels & braules demelne: come si les inhabitants dun Ville voile assembler eux, pur debrufer huys, nures, fosses, pales, ou tiels semblables d'auer common la, ou de bater vn autre que ad fait al eux vn common displeasure, vel huiusmodi, cest vn Rout & encounter le ley, coment que ils nont fait ou mis en execution leur male en-

## Robbery.

**R**Obbery, is when a man taketh any thing from the person of another feloniously, although the thing so taken be not to the value but of a penny, yet it is felony, for which the offender shall suffer death.

## Rout.

**R**Out, is when people do assemble themselves together, and after do proceed, or ride, or goe forth, or do moue by the instigation of one or more, who is their leader: This is called a Rout, because they do moue and proceed in routs and numbers.

Also where many assemble themselves together upon their own quarrels and braules: as if the inhabitants of a town will gather themselves together, to breake hedges, pales, or such like, to haue common there, or to beat another that hath done to them a common displeasure, or such like, that is a Rout, & against the law, although they haue not done or put in execution on their mischievous en-

tent. See the Statute 1. Ma. cap. 12.

401 *Sake.*

**S**Ake, this is a plee and correction of trespass of men in your court, because (*Sake*) in English, is *Treschion* in French, & *sake* is put for *sicke*, as to say for *sicke*, *sake*, also for what hurt, & *sake* is put for for-  
402 *Scire facias.* (fait.

**S**Cire facias, is a writ iudiciall going out of the record, & it lieth wher one hath recovered debt or damages in the K. court, & he sueth not to haue executiō within the yeere & the day, the after the yeere & the day he shal haue þ said writ to warn the party, & if þ party come not, or if he come and nothing say to discharge or stay the execution, then he shal haue a writ of *Fieri facias* directed to the Sherrife, him cōmanding that he leuie the debt or damages of the goods of him that hath lost.

Also þ writ of *Fieri facias* lieth within the yeere without any *Scire fac* sued.

Also if the summe of the same debt or damages

tent. Vide lestatute 1. Ma. cap. 12.

*Sake.*

**S**Ake, hoc est placitum & emenda de trans. & hominū in curia vestra, quia (*Sake*) Anglice, est *Ache-lon* gallice, & *Sake* est mis pur *Sick*, & dicitur pur *sick*, *sake*, idem qd þ quel *ache-lon*, & *Sake* dicitur þ forfait.

*Scire facias.*

**S**Cire facias, est vn briefe iudiciall issant hors de record, & gist lou vn ad recouer dette ou dammages en court le Roy, & il ne sue passe dauer executi-on deins lan & le iour, donques apres lan & iour il auera le dit briefe a garner le partie, & si le partie ne vient, ou si vient & ne scauoit riens dire encounter execution donques il auera vn briefe de *Fieri facias* direct al Vicount luy commaundant que il leuie le dette ou les dammages des biens celuy que ad perdue.

Auxy le briefe de *Fieri facias* gist deins lan sans aucun *Scire facias* suer.

Auxy si le sumū de mes-me le dette ou dammages

Z ij

ne

## The Expolition of

ne poyt estre leuy des byens celuy que auont perdu, donques il poyt auer vn briefe de *Elegit* direct al Vicount que il fac' luy deliuer la moytie de la terre & byens except ses boues & affries de la carue.

Auxy quant vn ad recouer det ou damages en action personall (lou le proces est vn *Capias*) il poit auer vn autre briefe de execution appel *Capias ad satisfaciendum* p' prendre le corps celuy que est issint condempne que sera commit al prison il lonques a demurrer sans baile ou mainprise tanque il ad satisfie le partie.

Auxy quant vn ad iudgement de recouer ascun terres ou tenements, il auera vn briefe appelle *Habere facias seisinam* direct al vicount, luy commaundant de deliuer a luy seisin de mesme le terre issint recouer. Vide plus de ceo en le title *Fieri facias*, & en le title *Execution*.

403

Scot.

Scot, hoc est quicquid esse de quadam consuetudine, sicut

may not bee leued of the goods of him that hath lost them, hee may haue a Writ of *Elegit* directed to the Shyrife, that he cause him to deliuer the one halfe of his lands & goods except his oxen and implements of his cart.

Also when one hath recovered debt or damages in an action personal (where the proces is a *Capias*) he may haue another writ of *Execution* called a *Capias ad satisfaciendum* or to take the bodie of him that is so condemned, which shall be committed to prison there to abide without bail or mainprise, till that he hath satisfied the party.

Also when one hath iudgement to recouer any Lands or tenements, hee shall haue a Writ called *Habere facias seisinam* directed to the Shyrife, him commaunding to deliuer to him seisin of the same land so recovered. See more of that in the title *Fieri facias*, & in the title *Execution*.

Scot.

Scot, that is to bee quitte of a certayne custome, as of

of common tallage made  
to the use of the Shyrife or  
Bailiffe.

de communi tallagio facto  
ad opus Vicecomit vel Bal-  
liuorum eius,

404 *Knights service.*

*Service de Chivaler.*

**T**O hold by knights ser-  
vice, is to hold by ho-  
mage, fealtie and escuage,  
and to doo worth to it ward,  
marriage and reliefe.

**T**ener per service de chi-  
ualer, est a tener per ho-  
mage, fealtie, & escuage, &  
trein a luy garde, mariage,  
& reliefe.

And note that knights  
service, is service of lands  
or tenementes to beare  
Armes in warre in the de-  
fence of this Realme, and  
to doo worth ward and mari-  
age, by reason that none  
is able nor of power, nor  
may haue knowledge to  
beare arms, befoze that he  
be of the age of 21. yeres.  
And to the end that the  
Lord shall not lese that  
that of right he ought to  
haue, and that the power  
of the realme, bee nothing  
weakened, the Law will  
because of his tender age,  
that the Lord shall haue  
him and his lands in his  
ward till full age of him,  
that is to say 21. yeres.

Et nota que service de  
Chivaler est service de  
teures ou tenementes pur  
armes porter en guerre en  
defence del Royalme, &  
doit garde & mariage ap-  
pent, per reason que nul  
est able, ne de power, &  
ne poyt auer conulans  
darmes porter, deuaunt  
que il soyt del age de xxj.  
ans. Et al fine que le  
Seignieur ne perdera ceo,  
que de droit il doit auer, &  
que la power de la roialme  
derien ne soit enfeeble:  
la ley voet per cause de  
son tender age que le  
Seignieur luy auera en la  
garde tanque al pleine  
age de luy, cest acauoir  
xxj. ans.

Note of that chose in  
the title Grand Sericantie,  
and the title Escuage,

Vide de ceo pluis en le  
title Grand Sericantie, &  
en le title Escuage.

*Zij*

*405 Shrove*



The Exposition of

405 *Shewing.*  
*Shewing,* hoc est quietum  
 esse cum attachment in  
 aliqua curia, & coram qui-  
 bulcunq in querelis osten-  
 sis & non aduoca f.

406 *Sok.*  
*SOk,* hoc est secta de ho-  
 minib in Curia velli, se-  
 cundū consuetudinē Regni.

407 *Sokmans.*  
*SOkmans,* sont les tenāts  
 en auncient demesne,  
 queux tient lour terres  
 per Socage, cest adire per  
 seruiſce del carue, & pur  
 ceo ils sont appel Sok-  
 mans, que est tant adire  
 come tenants, ou homes,  
 queux tient per seruiſce del  
 carue, ou homes del carue  
 Car Sok signifie vn carue.

Et ceux Sokmans ou  
 tenants en auncient de-  
 mesne, ont plusors & di-  
 uers liberties done &  
 graunt a eux per le ley,  
 sibien ceux tenants queux  
 tyent dun common per-  
 son en auncient demesne,  
 come ceux queux tyent  
 del Roy en auncient  
 demesne, come nosment  
 destte quite de payer tolle  
 en chescun Market, Faire,  
 Ville, & Citie per tout le

*Shewing.*  
*Shewing,* that is to bee  
 quite with attachment  
 in any Court, and before  
 whom soeuer in plaintes  
 shewed and not allowed,

*Sok.*  
*SOk,* this is suit of me in  
 your court according to  
 the custome of the realme.

*Sokmans.*  
*SOkmans,* are the tenants  
 in ancient demesne, that  
 helpe their handes by So-  
 cage, that is by seruiſce  
 with the plough, and ther-  
 fore they are called Sok-  
 mans, which is as much  
 to say as tenants. or men  
 that hold by seruiſce of the  
 plough, or plowmen: For  
 Sok signifieth a plough.

And these Sokmans  
 or tenants in auncient de-  
 mesne haue many and di-  
 uers liberties given and  
 graunted to them by the  
 law, as well those tenants  
 that hold of a common per-  
 son in auncient demesne,  
 as those that hold of the  
 King in auncient demes-  
 ne, as namely to be free fro  
 paying toll in euery Mar-  
 ket, Faire, Towne and  
 Citie throughout the whole  
 Realme,

Realme, as well for their goods and cattels that they sell to others, as for those things that they buy for their provision of other. And thereupon every of them may sue to have letters patents under the kings seale directed to his Officers, and to the Justices, Bailiffs, and other Officers in the Realme, to suffer them to bee Toll free.

Also to be quite of pontage, murage, and passage, as also of taxes and tallages graunted by Parliament, except that the King taxe aunter demesne, as he may at his pleasure for some great cause.

Also to be free from payments towards the expenses of the Knights of the shire that come to the parliament.

And if the Sherife will distraine them, or any of them to bee contributory for their lands in aunter demesne, then one of them; all as the case requires, may sue a Writ directed to the Shreife, commanding him that he do

Realme, si bien pur leur biens & chateaux que ils vende as autres, come pur ceux choses que ils achateront pur leur provision, de autres. Et sur ceo chescun de eux poit suer daver letters patents desous le seale le Roy a ses Officers, & al Maiors, Bailifes, & autres Officers en le Realme de suffer eux destre quite de toll.

Item destre quite de pontage, murage, & passage, & auxy de taxes & tallages graunt per Parliament, si non q le Roy taxe aunter demesne, come il poyt a son pleasure pur grand cause.

Auxy destre quite de paiements a les expences del Chivalers del Shyre queux vient al Parliament.

Et si le Vicount voyle distrainer eux, ou ascun de eux destre contributory pur leur terre en aunter demesne, donques lun de eux ou tous come le case require poyt suer vn brieve dire al Vicount, luy commandant q il

## The Exposition of

ne compell eux deſtre cō-  
tributories al expences de  
Chiualers. Eemesme le bñ  
luy commaund auxy, que ſi  
il ad diſtrain eux pur ceo,  
q̄ il redeliuer ſin le diſtres.

Item que ils ne deueront  
eſtre impanel, ne mis en  
Iuries & Enqueſts en le  
pays hors de leur ma-  
nour ou Seygnionrie de  
auncient demefne, pur  
les terres queux ils teigne  
la ( ſinon que ils ont  
autres terres al common  
ley, pur queux ils de-  
ueront eſtre charge.) Et  
ſi le Vicount retourne  
eux en pannels, donques  
ils poyent auer vn brieſe  
direct a luy de Non ponē,  
dis in aſſiſis & iuratis: Et  
ſi face al contrary, donq̄s  
giſt attachement ſur ceo ena-  
uers luy.

Et iſſint eſt auxy ſi les  
Bailifs des franchises q̄ux  
ont retournees des brieſes  
voyle retourne aſcun del  
tenaunts queux teigne en  
auncient demefne en aſſi-  
ſes on iuries.

Et auxy deſte exēpts del

not compell the to be con-  
tributories to the expences  
of the knights. And the  
ſame Wit doth commaūd  
him alſo, that if hee haue  
already diſtrained them  
therefore, that he redeliuer  
the ſame diſtres.

Alſo that they ought  
not to be impanelled, nor  
put in Juries & enqueſts  
in the countrey out of their  
Hanoꝝ or Lordſhip of  
auncient demefne, for the  
Landes that they holde  
there (except that they haue  
other lands at the comū  
law, for which they ought  
to be charged.) And if the  
Sherife do returne them  
in panels, then they may  
haue a Wit directed to  
him de Non ponendis in  
aſſiſis & iuratis: And if hee  
do the contrary, then lyeth  
an attachment vpon that  
agaīſt him.

And ſo it is alſo if the  
Bailifes of Franchiſes  
that haue retorne of wits  
will retorne any of the te-  
naunts which hold in an-  
cient demefne in Wiſſes or  
iuries.

And alſo to be exēpt frō  
Lectes

**Leets, and the Sherifes Turne, with diuers other such like liberties.**

408 Socage.

**T**O hold in Socage, is to hold of any Lord lands or tenements, pelding to him a certaine rent by the yeare for all maner of seruices.

And note well, that to hold by Socage is not to hold by Knights seruire, nor to it belongeth ward, marriage, nor reliefe: But they shal double once their rēt after the death of their auncestors, accordyng to that that they bee swont to pay to their Lord.

And they shal not beouer measure grieved, as it appereth in the Treatise of Words & Reliefe.

And note well, that Socage may be said in 3. maners, that is to say: Socage in free tenure, Socage in auncient tenure, & Socage in base tenure.

Socage in free tenure, is when one holdeth of an other by fealty and certayn rent for all maner of seruices, as is befoze said.

And of all lands holden

Leets, & de Turnes del Vicont, ouelq; diuers aus semblable liberties.

Socage.

**T**ener en Socage, est a tener de alcun Seignieur terres ou tenements, rendant a luy vn certain rent per an pur tous mañs des seruices.

Et nota, que tener per Socage n'est pas tener per seruice de Chivaler, ne la appent garde, mariage, ne reliefe: Mes ils doubleront vn toyts leur rent apres le mort leur auncestor, selonc que ceo que soloient payer a leur sñr.

Et ils ne serront ouster mesure greuee, come il appiert en le Treatise de Gardes & Reliefe.

Et nota, q̄ Socage poyt estre dit en trois maners, cest a sauoir: Socage en franke tenure, Socage en auncient tenure, & Socage en base tenure.

Socage en franke tenure, est quant vn tient dun per fealty & certaine rent pur tous maner des seruices, come deuant est dit.

Et de tous terres tenus

## The Exposition of

en Socage le procheyne a-  
my auera le garde a que le  
heritage ne purra my dis-  
cender, tanque al age le  
heyre de xiiij. ans, cest asca-  
uoir, si le heritage veigne p  
le part le pē, ceux del part  
le mere aueront le gard. Et  
econtra.

Et nota bien, si Gardian  
en Socage fait wast, il ne  
serra my impeche de wast:  
Mes il rendra accompt al  
heire quant il viendra al  
pleine age de xij. ans. Et  
vide le statute de Marle-  
bridge capitulo 17. pur cest  
matter.

Socage de auntient te-  
nure est ceo lon les gents  
en auntient demelne te-  
noient, q ne soloyent au-  
ter brieft auoir que le bē  
de Droyt close, que serra  
determine secundum con-  
suetudinem manerij, & le  
Monstrauerūt pur eux dis-  
charge quant lour Seigni-  
or eux distraine pur faire  
autres seruices que faire ne  
duissent.

Et cest brieft de  
Monstrauerunt doyt estre  
port enura lour Seignior,

in Socage the next kins  
body shall haue the warde  
to whom the heritage may  
not discend, till the age of  
xiiii. yeares, that is to say,  
if the heritage come by the  
part of the Father, they of  
the part of the Mother  
shall haue the ward. And  
contrarywise.

And note well, that if  
the Gardian in Socage  
do make wast, he shall not  
be impeached of wast, but  
he shall yeeld accompt to  
the heire when he shall  
come to his full age of xii.  
yeares. And looke the  
statute of Marleb. cap. 17.  
for this matter.

Socage of auntient te-  
nure is that wher the peo-  
ple in auntient demelne  
held, which vse no other  
writ to haue then the writ  
of Right close, which shall  
be determined accordyng  
to the custome of the man-  
nor, & the Monstrauerunt  
for to discharge them whē  
their Lord distraineth thē  
for to doe other seruices  
that they ought not to do.

And this writ of Mon-  
strauerunt ought to bee  
brought against the lord.  
and

and these tenants hold all by one certain service, and these be free tenants of ancient demesne.

**Socage in base tenure** is where a man holdeth in ancient demesne, that may not haue the Monstrauerunt, & for that it is called the base Tenure.

409 *Summons ad warrantizandum &c.*

**S**ummons ad warrantizandum, and Sequatur sub suo periculo, See of the after in the title voucher.

410 *Spoliation.*

**S**poliation, is a suit for the frutes of a Church, or for the Church it selfe, & it is to be sued in the spirituall Court, & not in the temporall Courts. And this suit lyeth for one incumbent against an other incumbent, wher they both claime by one patron, and where the right of the patronage both not come in question or debate. As if a Parson be created a Bishop, & hath dispellation to keepe his benefice still, and afterward a Patron present an other incumbent,

& ceux tenants teygnent tous par vn certaine service, Et ils sont franke tenants de anciē demesne.

**Socage en base tenure** est lou home tient en ancient demesne, que ne poit auer le Monstrauerunt, & pur ceo il est appelle le base Tenure.

*Summons ad warrantizandum &c.*

**S**ummons ad warrantizandum, & sequatur sub suo periculo, vide de ceuz apres en le tiele Voucher.

*Spoliation.*

**S**poliation, est vn suit pur les frutes dun Eglise, ou pur lesglise mesme, & est destee sue en le spirituall Court, & nemy en les temporall Courts. Et cest suit gist pur vn incumbent enuers vn autre incumbent, ou ils ambideux claime per vn patron, & lou le droit del patronage ne vient en question ou debate. Come si vn Parson soit cree vn Euesque, & ad dispensation de tener son rectorie, & puis le Patron present autre incumbent, que

## The Exposition of

que est institute & in-  
duct: Ore Leueique poyt  
auer enuers ceituy en-  
cumbent vn Spoliation  
en le spirituall Court, pur  
ceo que ils ambideux  
claime per vn Patron, &  
le droit del patronage ne  
vient en debate, & pur  
ceo que l'auter encum-  
bent vient al possession  
del benefice per le course  
del ley spirituall, cestisca-  
uoir, per institution &  
induction, issint que il  
ad colour de auer ceo, &  
deste Parson per le spi-  
rituall ley: Car auter-  
ment sil ne soit institute  
& inducte &c. Spoliation  
ne gist enuers luy,  
mes pluriost vn brieve de  
Trespas, ou vn assise de  
Nouel disseisin &c.

Issint est auxy lou vn Par-  
son que ad pluralitie, ac-  
cept auter benefice, p rea-  
son de que le Patron pre-  
sent vn auter clerke, que  
est institute & inducte, ore  
lun de eux poit auer Spo-  
liation enuers le auter,  
& donques viendra en  
debate sil ad vn suffici-  
ent pluralitie ou non.  
Et issint est de depri-

which is instituted, & in-  
ducted: Now the Bishop  
may haue against that  
Incumbent a Spoliation  
in the Spirituall Court,  
because they claime both  
by one Patron, and the  
right of patronage doth  
not come in debate, & be-  
cause that the other incum-  
bent came to the possession  
of the benefice by the course  
of the Spirituall Lawe,  
that is to say, by institu-  
tion & induction, so that he  
hath colour to haue it and  
be Parson by the spiritu-  
all Lawe: for other-  
wise if it be not instituted  
and inducted &c. Spoliation  
lieth not against him,  
but rather a writ of Tres-  
pas, or an Assise of No-  
uel disseisin &c.

So it is also where a par-  
son which hath a plurali-  
tie, doth accept an other  
benefice, by reason whereof  
the parson presents an o-  
ther clerk who is institu-  
ted & inducted, now if one  
of them may haue Spo-  
liation against the other, &  
then that come in debate if  
he haue a sufficient plura-  
lity or not, And so it is of  
depr-



deprivation &c.

The same law is where one saith to the Patron, that his Clerke is deade, whereupon he presents another before the first Incumbent which was supposed to be dead may haue a Spoliation against the other. And so it is in diuers other like cases, whereof see Fitzh. Nat. breuium.

411 *Stallage.*

**S**Tallage, that is to bee quite of a certaine custom extracted for the Great taken or assigned in fairs and Markets.

412 *Suit couenant.*

**S**uit couenant, is when your aunccestors haue couenanted with my aunccestors to sue to the court of my aunccestors.

413 *Suit custome.*

**S**uit custome, is when I and my aunccestors haue ben seized of your owne land and your aunccestors time out of minde &c.

414 *Suit reall.*

**S**uit reall, is when men come to the Shires Curthe or Leete, to which court all men shal be com-

uation &c.

Meisme le ley est, ou vn dit a le Patron, que son Clerke est mort, iur que il present vn autre: la le primer Incumbent que fut formise de estre mort poyt auer vn Spoliation enuers l'auter. Et issint en diuers autres semblables cales, de que veies Fitzherbert Nat. breuium.

*Stallage.*

**S**Tallage, hoc est quietum esse de quadam consuetudine exact' pro platea cap't, vel assignata in nundinis & Mercatis.

*Suit couenant.*

**S**uit couenant, est quant vostre aunccestours ont couenant oue mes aunccestors de suer a le Court de mes aunccestors.

*Suit custome.*

**S**uit custome, est quant ieo & mes aunccestors ont estre seizes de v' suit de-mesli & vostre aunccestors do t'eps dont memoir ne curt.

*Suit reall.*

**S**uit reall, est quant hoës vient al Tuine de Vi-cont ou Leete, a q Courts tous homes serra com-pelle

## The Exposition of

pelle de vener a conuſter  
les leyes, ſunt que ils ne  
ſerra ignorant de les cho-  
ſes queux ſerront monſtres  
la coment ils ſerit gouver-  
nes. Et eſt appellé real ſuit  
per cauſe de lour allegé-  
ance, & ceo appierr per  
cō non experience quaut  
vn eſt iure, ſon oath eſt  
que il ſerra loyal & foyall  
home al Roy. Et ceo ſuit  
neſt pur le terre que il  
tient deins le Countie,  
mes per reaſon de ſon  
perſon, & pur ſon reſi-  
ancie la, & doit eſtre  
fait deux foites per an,  
pur default de que, il  
ſerra amercie & nemy di-  
ſtreigne.

415 *Suit ſervice.*

**S**uit ſervice, eſt de ſuer al  
Turne del Vicount ou  
Leete, ou al Court de le  
Seignior, de trois ſemaines  
en trois ſemaines per len-  
tier an: Et pur default de  
ceo, vn hōe ſerra diſtreine  
& nemy amercie. Et ceſt  
ſuit ſervice eſt per reaſon  
de tenure del terres dun  
home.

416 *Statute Marchant.*

**T**enure per Statute Mar-  
chant, eſt lou home

pelled to come to know the  
lawes, ſo that they ſhall  
not be ignorant of things  
that ſhal be declared there  
how they ſhall bee gover-  
ned And it is called real  
ſuit becauſe of their alle-  
geance, & this appeareth  
by cōmon experience when  
one is ſworne, his oath  
is that he ſhall be a loyall  
and faithfull man to the  
King. And this ſuit is  
not for the land that hee  
holdeth within the Countie,  
but by reaſon of his  
perſon, & his abode there,  
& ought to be done twiſe a  
yeare, for default whereof,  
he ſhal be amerced and not  
diſtrained.

*Suit ſervice.*

**S**uit ſervice, is to ſue to  
the Shireſes Turne or  
Leete, or to the Lordes  
Court, from three weekes  
to thre weekes by the  
whole yeare: And for de-  
fault therof, a man ſhal be  
diſtrained and not amer-  
ced. And this ſuit ſervice  
is by reaſon of the tenure  
of a mans lands.

*Statute Marchant.*

**T**o hold by Statute Mar-  
chant, is where a man  
know

knowledgeth to pay certain money to another at a certain day before the Maior, Bayliffe, or other wardene of any Towne that hath power to make execution of the same statute, & if he obligor pay not the debt at the day, & nothing of his goods, landes, or tenements may bee found within the warde of the Maior or warden before said, but in other places without, then the recognisance shall sue the recognisance and obligation with a certification to the Chancery vnder the kings seal, and hee shall haue out of the Chancery a Capias to the Sheriffe of the countie where he is to take him, & to put him in prison, if he be not a Clerke, till he haue made agreement of the debt. And one quarter of the yeare after that hee shall be taken, he shall haue his land deliuered to himselfe, to make gree to the party of the debt, & he may sell his land while he is in prison, & his sale shall bee good & lawfull. And if he doe not make satisfaction

conuult a payre certain deniers a vn auter a certaine iour deuant le Maior, Bayliffe, ou auter Gardein dascun ville que ad poyar de faire execution de mesme le statute, & si le obligorne paya le det a le iour, & rien de ses biens, terres, ou tenements ne pourront estre troues deins le garde le Maior ou Gardein auantdit, mes en auters lieux dehors, donques le recognisance suera le recognisance & obligation oue vn certification a la Chancerie desouth le seale le Roy, & il auera hors de la Chancery vn Capias al Vicont del countie lou il est de luy prender, & mitter luy en prison, si il ne soit Clerke, tanque il ad fait gree de la dette. Et vn quarter de lan apres ceo que il serra prise, il auera sa terre luer a luy mesme pur faire gree a le partie de le dette, & il poit vender sa terre tanque il est en prison, & son vendition serra bone & loyal. Et si il ne face gree deins

## The Exposition of

deins le quarter dun an, ou  
sil soit retourne que il nest  
trouue, & sil ne soit clerke,  
adonques le recognisee  
poit auer bñe de la Chaun-  
cery, que est appel Extendi-  
facias, dire & al tous Vi-  
conts lou il ad terres de  
extender les terres & biens  
& les biens a luy deliuer, &  
luy seiser en ses terres, & re-  
ner eux a luy & a ses heirs,  
& a les assignes, tanque le  
debt soit leuie ou pay, &  
pur cel temps il est re-  
nant per Statute Mar-  
chant.

Et nota bien, que en vn  
statute Marchant, le re-  
cognisee auera execution  
de tous les terres q le res-  
cognisor auoit iour de la  
recognisance fait, & ascun  
temps puis per force de m  
le statute.

Et nota bien, que quant  
ascun wast ou destruction  
est fait per le recognisee,  
ses executors, ou per ce-  
luy que ad son estate, le re-  
cognisor ou ses executors  
aueront m la ley, come est  
suisset de le tenaunt per E-  
legit.

Et nota bien, si le re-

within a quarter of a yere,  
or if it be returned that he  
be not found, and if he bee  
not a clerke, then the res-  
cognisee may haue a writte  
out of the Chancery, which is  
called Extendifacias, di-  
rect to all Sherifes where  
he hath lands, to extend his  
lands and goods, and to  
deliuer the goods to him,  
& to seise him in his lands  
to hold them to him, and to  
his heirs, and his assign-  
es, till that the debt be le-  
uied or paid, and for that  
time hee is tenant by Stat,  
Marchant.

And note well, that in  
a statute Marchant the res-  
cognisee shal haue execu-  
tion of all the landes which  
the recognisor had the day  
of the recognisance made, &  
any time after by force of  
the same statute.

And note well, that  
when any wast or destru-  
ction is made by the res-  
cognisee, his executors, or  
by him that hath his estate  
the recognisor or his ex-  
ecutors shal haue the same  
law, as is before said of the  
tenant by Elegit.

And note well, that ten-  
nant

nant by statute marchand holde ouer his terme, hee that hath right may sue against him a Venire facias ad computandum, or els enter by and by as by on tenant by Elegit. See the statute 11. E. 1. and of Aston burnel, and 13. E. 1. de Mercatoribus.

nant per le Statute marchand tyent ouster son terme, cestuy que ad droit poit suer enuers lay vn Venire facias ad computandum, ou enter tantost si come sur le tenaunt per Elegit. Vide le statute 11. E. 1. & de Aston burnel, & 13. E. 1. de Mercatoribus.

T.

417 *Fee Taile.*

**T**O hold in the Taile, is where a man holdeth certaine lands or tenements to him & to his heires of his body begotten.

And note wel, that if the Land bee giuen to a man and to his heires males, & he hath issue male, he hath fee simple, and that was adiudged in the Parliament of our Lord the King. But where lands bee giuen to a man and to his heires males of his body begotten, then hee hath fee taile, & the issue female shal not bee inheritable, as it appeareth the 14. yeare of E. 3. in Affise 18. E. 3. 45.

Fee taile, is where land is giuen to a man and his heires of his body begot-

T.

*Fee Taile.*

**T**ENER en le Taile, est lou home tient certain terres ou tenements a luy & a ses heires de son corps engenders.

Et nota bien, que si le terre soit done a vn home & a ses heires males, & il ad issue male, il ad fee simple, & ceo suit adiudge en le Parliament nostre Seignior le Roy. Mes lou terres ou tenements sont dones a vn home & a ses heires males de son corps engenders, il ad fee taile, & le issue female ne serra my inherite, vt patet Anno 14. Ed. 3. en vn Affise 18. E. 3. 45.

Fee taile, est lou terre est don a vn home & a ses heires de son corps engenders.

## The Exposition of

ders, & il est dit tenant en le taile general.

Mes si terre soit done al baron & feme & al heires de lour deux corps engenders, ore le baron & la fem sont tenants en le taile especial, Et si vn de eux deu, cestuy que suruiue est teneant en le taile apres possibilite de issue extinct, & si il face waste il ne serra impeach de cel wast. Vide Littleton.

Mes si le Roy done terres a vn hom & a ses heires males, & le donee deuie sans issue male, donques le cosin collaterall del donee ne inheritera, mes le roy reentra, & issint fuit adiudge en Leschequer chamber An. 18, H. 8. en vn information fait vers le heire de Sir T. Louel Chivaler.

418 *Taile apres possibilite.*

**T**ENER en le taile apres possibilite de issue extinct, est lou terre est done a vn home & sa feme & a les heires de lour deux corps engenders, & lun de eux suruiue laus sans issue &

ten, & he is called tenant in the taile general.

But if lands be giue to the husband and the wife and the heirs of their two bodies begotten, then the husband & the wife be tenants in the taile especial. And if one of them die, he that suruiue is tenant in taile after possibility of issue extinct, & if he make waste hee shall not be impeached for that waste. See Litt.

But if the king giue land to a man and to his heirs males, and the donee die without issue male, then the cosin collaterall of the donee shall not inherit, but the king shall reenter and so it was adjudged in the Eschequer Chamber 18. H. 8. in an Information made against the heire of Sir T. Louel knight.

*Taile after possibilite.*

**T**O hold in the taile after possibilite of issue extinct, is where land is giuen to a man and to his wife, & to the heirs of their two bodies engendered, & one of the suruiue the other without issue betweens

twene them begotten, hee  
that hold the land for term  
of his owne life, as tenant  
in the taile after possibility  
of issue extinct. And not-  
withstanding that hee do  
waste, he shall neuer be im-  
peached of that waste. And  
note that if he alien, hee in  
the reuersion shall not haue  
a writ of entry in consimi-  
li casu. But he may enter,  
if his entre is latotull, per  
R. Thorp chiefe Iustice 28.  
E. 3. 96. & 45. E. 3. 25.

419 *Taxe and rallage.*

**T**Axe & rallage, are pay-  
ments, as tenths, fif-  
tenths, subsidies, or such  
like graunted to the King  
by Parliament.

The tenants in aunci-  
ent demesne are quit of  
these Taxes and tallages  
graunted by Parliament,  
except that the King doe  
take aunciient demesne, as  
hee may when hee thinks  
good for some great cause.  
See aunciient demesne.

420 *Tenure in capite.*

**T**ENURE in capite, is wher  
any holde of the King  
as of his person being  
King, and of his Crowne

ter eux issuant, il tiendra sa  
terre a terme de sa vie de-  
mesne, come tenant in le  
taile apres possibilitie de  
issue extinct. Et non obstat  
que il fait waste il ne serra  
iammays empeach de cel  
waste. Et nota sil alien, ce-  
luy en la reuersion ne auera  
briefe dentre in consimili  
casu. Mes il poit entrer, &  
son entre est congeable, p  
R. Thorp chiefe Iustice. 28  
E. 3. 96. & 45. E. 3. 25.

*Taxe et rallage.*

**T**Axe & rallage, sont pai-  
ments, come dismes,  
quinzimes, subsidies, ou ti-  
els semblables grant al roy  
per Parliament.

Les tenants in aunciient  
demesne son quits de ceux  
taxes & tallages graunts p  
Parliament, sinon que le  
Roy taxe aunciient demes-  
ne, come il poet quant a  
luy pleast pur grand  
cause. Veies aunciient de-  
mesne.

*Tenure in capite.*

**T**ENURE en capite, est lou  
ascun tient dell Roy,  
com de son person esteant  
Roy, & de son Corone.  
A a ij. come



## The Exposition of

come dun Seignourie per luy meisme en grolle, & en chiefe desuis tous autres Seigniories. Et nemy louils tient de luy come de ascun mannor, honour, ou Castell, sinon certayne suntient honors, vt patet in Scaccario.

421 *Terme dans.*

**T**ENER a terme dans nest forsque chattel en effect car nul action est maintenable enuers termor quant a recouer le franktenement, car nul franktenement est a luy. Lease a terme dans e chattel reall, & tous biens mouables sont chattels personals.

422. *Testament.*

**T**ESTAMENT, est issint define ou expounde en Mounfier Plowdens Commentaries: Testamentum est testatio mentis, & est compound de ceux deux parolx, Testatio & mentis, que issint signifie, veray il est, que vn Testament est testatio mentis, mes que il est vn compound paroll, *Aulus Gellius* en son vi. li. uer ca. 12. deny ceo al vn excellent Lawyer vn Ser-

as of a Lordship by it selfe in grolle, & in chiefe above all other Lordships. And not wherthey hold of him as of any Mannour, Honour, or Castell, except certayne suntient honors, which appeare in the Exchequer.

*Terme dans.*

**T**O holde for terme of peres is not but chattel in effect, for no action is maintainable against the termor for the recovering of the freehold, for no freehold is in him. A Lease for term of peres is a chattel reall, and all goods which are remouable are chattels personals.

*Testament.*

**T**ESTAMENT is thus defined in Maitter Plowdens Commentaries, a testament is the witness of the mind, and is composed of these two words, Testatio and mentis, which so significth, truth is, that a Testament is witness of of the mind, but that it is a compound worde, *Aulus Gellius* in his vi. book ca. 12. both deny & same to an excellent Lawyer one Ser-

ulus Sulpicius, and sayeth  
that it is a simple word, as  
are these Calciamentum,  
Paludamentum, Pauiamen-  
tum, and diuers such like.

And much lesse is Agree-  
mentū, a compound word  
of aggregatio and mentium,  
as is sayde before in  
the title of Agreement, for  
ther is no such latin word  
simple or compound: but it  
may neuerthelesse serue  
well for a law latin word.

And therefore thus it  
may bee better defined. A  
Testament is the true de-  
claration of our last will,  
of that wee would to bee  
done after our death, &c.

And of Testaments  
there be two sorts, namely  
a Testament in writing, &  
a Testament by wordes,  
which is called a Nuncu-  
pative Testament.

The first is atwaies in  
writing, as is said.

The other is, when a  
man being sicke, and for  
nere wast death, or want  
of memorie, or of speech,  
should come so sodainely  
and hastily vpon him,  
that hee should be preuen-  
ted in his sayed the wyl.

ulus Sulpicius, & dit q'il est  
vn simple parol, come sont  
ceux, Calciamentum, Pa-  
ludamentum, Pauiamētū,  
& diuers tielx semblables.  
Et mult meines est Agree-  
mentum, vn compoūd pa-  
rol de aggregatio & men-  
tium, come est dit en le ti-  
tle de Agreement, car il  
ny ad nul tiel Latin paroll  
simple ou compound: mes  
il poyt nient obstant serue  
bien par vn ley latin parol.

Et pur ceo il poit illint  
este meliour define. Testa-  
mentum est vltimæ volun-  
tatis iusta sententia de eo  
quod quis post mortem su-  
am fieri vult &c.

Et de Testamentes il y  
ad deux sorts, cest ascausir,  
vn Testament en escript, &  
vn Testament per parolz, q  
est appel vn Nuncupatiue  
Testament.

Le prin est tous foits  
en escript, come est dir.

Le auter est, quaut vn  
home esteant malade, &  
pur paur que mort ou  
faut de memorie, ou de  
parler, voit vener cy luds  
deinment & hastiement  
sur luy, que il serra pre-  
uent si il demurt le scrip-

## The Exposition of

ture de son testament, requi-  
ses viciens & amies de  
porter tesmoigne de son  
darraine volunt, & doncs  
declare ceo presentment  
per parolx deuaunt eux, q  
apres sont decease e proue  
per tesmoignes, & mis en  
script per le ordinary, &  
donques il est en cy bon  
force come si ceo ad al  
primer en le vie del Testa-  
tor este mis en elscript: sin  
que il soit pur terres nient  
deuisable per custome.

423

*Them.*

**T**Hem, hoc est quod ha-  
beatis totam generati-  
onem villanorum vestro-  
rum cum eorum scdis &  
catallis vbicunque in An-  
glia fuerint inuenta, ex-  
cepto quod si aliquis nati-  
uus quietus per vnum annu  
& diem in aliqua villa pri-  
uilegiata manserit, ita qd  
in eorum communiam vel  
geldam tanquam vnus il-  
lorum repertus fuerit, eo  
ipso a villenagio liberatus  
est.

424

*Theftbote.*

**T**Heftbote, est quant hoc  
priest ascun biens dun la-  
zon de luy fauorer & main-

ting of his Testament,  
desireth his neighbours  
and friends to beare wit-  
nesse of his last will, and  
then declareth the same  
presently by words before  
them, which after his de-  
cease is proued by witel-  
ses, and put in writing by  
the Ordinary, and then  
standeth in as good force  
as if it had at the first in  
the life of the testator bin  
put in writing: if it be not  
for lands not deuifable by  
custome.

*Them.*

**T**Hem, that is, that you  
shall haue all the gene-  
rations of your villenys  
with their suites and cat-  
tell wheresoeuer they shall  
be found in England, ex-  
cept that if any bondman  
shall remaine quit one yere  
and a day in any priuiled-  
ged towne, so that he shall  
be receiued into their com-  
munaltie, or gilde, as one  
of them, by that meanes he  
is deliuered from vilen-  
nage.

*Theftbote.*

**T**Heftbote, is when a ma-  
n taketh any goods of a  
theefe to fauour and main-  
taine

teine him: And not when a man taketh his owne goods that were stolen from him, &c.

The punishment in ancient time of Theftore was of life and member. But now at this day Malt. Scamford saith, it is punished by ransome and by imprisonment. But enquire further, for I think it be felonie.

425 Title.

Title, is where a lawfull cause is come vpon a mā to haue a thing which another hath, and he hath no action for the same, as title of Mortmaine, or to enter for breach of condition.

426 Title de Entre.

Title de Entre, is when one seised of land in fee maketh a feoffment thereof vpon condition, and the condition is broken: Now after the condition thus broken, the feoffor hath title to enter into the land, and may so do at his pleasure, and by his entrie the freehold shall be said to be in him presently.

And it is called title of

teiner: Et nemy quaut home prist ses biens de meine, q̄ fueront emblees de luy &c.

Le punishment en ancient temps de Theftore, fuit de vie & de member: Mes a ore Malt. Stamford dit, que il est punish per ransome & emprisonment. Sed quare car ieo pense ceo esse felonie.

Title.

Title, est louloiall cause est veigne a vn home de autre chose que autre ad, & il nad aucun action pur ceo, come title de Mortmaine, ou de enter pur condition enfreint.

Title de Entre.

Title de Entre, est quant vn seisie de terre en fee fait feoffement de ceo sur condition & le condition est enfreint: Or apres le condition issint enfreint, le feoffour ad title de entre in le terre & issint poyt quant a luy pleist, & per son entrie le franktenement serra dit en luy maintenant.

Et est appel title de  
A a iij Entre

## The Exposition of

Entre, par ceo que il ne  
poit auer brieve de Droit  
enuers sont feoffee sur cō-  
dition, car son droit fait  
hors de luy per le feoffe-  
ment, le quel ne poit este  
reduce sans entrie, & le en-  
tre doit este pur le enfrens-  
der de le condition.

427 *Tolle, ou tolne.*

**T**OLle ou Tolne, est plus  
properment vn pay-  
ment vse en Cities, Villes,  
Markers, & Fayres, pur bi-  
ens & charrel port la de-  
stre achate ou vende. Et  
est toutes dits destre pay  
per le achator, & nemy  
per le vendour, sinon que  
soit ascun Custome al con-  
trarie.

Il y ad diuers auters  
Tols, come Turne toll,  
& ceo est lou toll est pay  
pur auers, queux sont  
drives destre vendus co-  
ment que ils ne sont ven-  
dus.

Item Toll trauers, ceo  
est lou vn claime daver  
vn ob. ou tiel sembla-  
ble Toll de chescun  
beast que est drive sur son  
terre.

Through Toll, est lou  
vn Ville prescribe de

Entre, because that he can  
not haue a writ of Right  
against his feoffee vpon  
condicion, for his right  
was out of him by the feof-  
fement, which cannot be  
reduced without entrie, &  
the entrie must bee for the  
breach of the condicion.

*Toll, ou Tolne.*

**T**OLL or Tolne, is most  
properly a payment  
vled in Cities, Townes,  
Marketes & Fayres, for  
goods and cattel brought  
thither to bee bought and  
sold. And is alwayes to  
be paid by the buyer and  
not by the seller, except  
there bee some custome o-  
therwise.

There are diuers o-  
ther Tollies, as Turne  
Toll, and that is where  
Toll is paid for beastes  
that are driuen to be solde,  
although that they be not  
sold in deede.

Also Tol trauers, that  
is where one claimeth to  
haue a halfe pence, or such  
like Toll of every beast  
that is driuen ouer his  
ground.

Through toll is where  
a Towne prescribes to  
haue

haue Toll for every beast that goeth through their towne, a certaine, or for every score or 100. a certaine: which seemeth not to bee so vnrasonable a prescription or custome, as some haue thought, although it bee through the kings high way (as they call it) where euery man may lawfully goe, if that there be one thing for another: As if there by a bridge, or such like commoditie, provided at the costes and charges of the Towne, for the ease of travellers that diue that way, whereby their troubles is either shortned or bettered, tohy then may not Toll be lawfully and with good reason demanded of them &c.

But diuers Citizens & townes men are free from paying Toll by graunt of the king or his auncestors, or doe claime the same by prescription or custome. So also spirituall persons & religious men (as they call them) were quit of paying Toll for their goodes & marchan-

auer Toll pur chescun beast que ale through lour ville, vn certaine, ou pur chescun vint ou cent, vn certaine: que ne appieit desle ci vnrasonable prescription ou custom, come ascuns ont suppose, nient obstant il soit per le hault chimyn del Roy (come ils ceo appelle) lou chescun poit loyallyment passe, si y ad quid pro quo: Come si la soit vn pont, ou tiell semblable commoditie, furuey al costes & charges del ville, pur le ease de traunyaers que chascun mesme voy, per que lour iourney est ou abridge ou fait le meliour, pur que donques ne poit toll este demande loyallyment & oue bone reason de eux &c.

Mes diners Citizens & Burgesles sont quite de payer toll per le graunt del Roy, ou ses auncestors, ou claime ceo per prescription ou custome. Illint auxy espiituall persons & religious homes (come ils fuerot appellees) fueront quite de toll pur lour biens & marchan-

dises

## The Exposition of

disees achate & vendus  
&c. Mes a ore le Statute  
del Roy Hen.<sup>8.</sup> An 21. cap.  
13. voit que ils ne mar-  
chandiserá.

Item Tenants en aunci-  
ent demefne doyent esse  
quite per tout le Realme  
de paier toll, come ap-  
piert denaunt en le title  
Sokemans. Et en tous  
ceux cases ou tolle est  
demaund ou il ne doyt  
esse pay de eux que doient  
aler, achate & vende quite  
de tolle, la le partie ou  
parties greue poyent a-  
ner vn briefe, De essendi  
quietum de colonio, direct  
a luy, ou ceux que issint  
demaunde tolle contra al  
graunt le Roy ou sa pro-  
genitors, ou contra al cu-  
stome ou prescription.

428 *Treason.*

**T**Reason, est en deux ma-  
ners, cest a scauoir, hault  
Treason, & petit Trea-  
son, come est ordeine per  
les statutes. Et ideo vide  
Statuta, & Stamford lib.  
1. cap. 2.

429 *Treasure troue.*

**T**reasure troue, est quant  
ascun money, or, ar-  
gent, plate, ou bolion, est

disees bought and sold &c.  
But now the Statute of  
king H. 8. an 21. cap. 13.  
will, that they shall not  
merchandise.

Also Tenant en aunci-  
ent demefne ought to be  
quite throughout þ whole  
realme of paying toll, as  
appeareth befoze in the ti-  
tle Sokemans. And in  
all these cases wher toll is  
demanded where it ought  
not to be paid of them that  
should go, buy and sell toll  
free, there þ partie oz par-  
ties grieved may haue a  
writ, De essendi quietu de  
colonio, directed to him,  
oz them that so deman-  
ded toll contrarie to the  
king oz his progenitors  
grant, oz contrarie to cu-  
stome oz prescription.

*Treason.*

**T**Reason, is in two man-  
ners, that is to say,  
graund Treason, & petit  
Treason, as it is ordey-  
ned by the statutes. And  
therfoze look the statutes,  
and Stamf. lib. 1. c. 2.

*Treasure troue.*

**T**reasure troue, is when  
any money, gold, sil-  
uer, plate, oz bolion, is  
found



found in any place, and no man knoweth to whome the proprietie is, then the proprietie therof belongeth to the King, and that is called Treasure trove, that is to say, treasure found. But if any Mine of metal be found in any ground, that alway pertaineth to the Lord of the soyle, except it be a mine of gold or silver, which shalbe alway to the King in whose ground soever they be found.

430 Sherifes Turne.

Sherifs Turne, is a court of record in all things that pertaine to the turne. And it is the Kings Leet thorough all the Countie, and the Sherif is Judge. And whosoever hath a Leet hath the same authoritie within the precinct, as the Sherif hath within the Turne.

V.

431 Verderor.

Verderor, is an Officer in the Forrestes of the King, chosen by the freeholders of the Countie, where the Forrest is, by a writ of the King directed

troué en aucun lieu, & nul conust a que le proprietie est, donques le proprietie de ceo appartient al Roy, & ceo est dit Treasure trove. Mes si aucun Minerall de metall soit troué en aucun terre, ceo tous foits pertient al Seignieur de soyle, forsque que il soynt mineral de or ou de argent, qu'ilz seront tous foits al Roy, en quecunque soyle qu'ilz sont troués.

*Tourne del Vicont.*

Tourne del Vicount, est un Court de Record en toutes choses que pertaine al Tourne. Et est le Leete le Roy per tout le Countie, & le Vicount est Judge. Et quecunque ad un Leet ad mesme le autoritie dedens le precinct, sicome le le Vicount ad dedens le Tourne.

V.

*Verderor.*

Verderor, est un officer en les Forrestes del Roy, esliu per les franktenants del Countie, l'on le Forrest est, per briefe del Roy direct  
al

## The Exposition of

al Vicount de ceo faire, come appiert per les li-  
cures del Register, & del  
Nature des briefs, & sont  
appelles en Latin *Viridarij*  
come semble de le paroll  
*Viride*, que est en Angloys  
*Greene*, en Francoys *Verd*,  
car vn grand part de leur  
office est touchant le Verd  
cesta scauoir, le bois &  
herbes creissant en le For-  
rest, par quel veies puis en  
le Chari & Leis del Forest.

to the Sherife to do it, as  
it appeareth by the books  
of the Register, and of the  
nature of writs, and are  
called in Latine *Viridarij*,  
as it semeth of the word  
*Viride*, which is in Eng-  
lish *Greene*; in French  
*Verd*, for a great part of  
their office is touching the  
Vert, to wit, the wood and  
grasse growing in the fo-  
rest, for which see more in  
the Charter and Lawes of  
the Forest.

432 *View.*

**V**iew, est quant ascun as-  
sion reall est port, & le  
tenant ne scauoir bien q'l  
terre il est que le demaunders  
dant demande, donques le  
tenant priera le view, cest  
a scauoir, que il poit veier  
le terre que il clayma. Mes  
si le tenant ad ew le view  
en vn briefe, & puis le  
briefe est abatus per  
misnosmer de le ville, ou  
per ioyntenure, & puis  
le demaundaunt port vn  
riel briefe vers le tenant,  
donques le ternaunt na-  
uera le view en le second  
briefe.

*View.*

**V**iew, is when any actiō  
real is brought, and the  
tenant knoweth not well  
what land it is that the de-  
maundant askeeth, then the  
tenant shall pray the view,  
that is to say, that hee may  
see the land which he clays  
meth. But if the tenant hath  
had the view in one writ, &  
after the writ is abated in  
misnaming of the town, or  
by ioyntenure, & after the  
demaundant bringeth an  
other writ against the te-  
nant, then the tenant shall  
not haue the view in the  
second writ.

433 *Vilaica remouenda.*

**V**ilaica remouenda, is a writ, and it lyeth where debate is betwene two Parsons or prouisois for a Church, & one of them entred into the Church with great power of lay men, and holdeth the other out with force and armes, then he that is holden out shall haue this writ directed to the Sherife, that he remoue the power which is within the Church, and the Sherife shall be commanded, that if he find any men there withstanding, that the Sherife shall take with him the power of his Countie, if neede bee, and shall arrest the bodie of al them him resisting, & shall put them in prison, so that hee haue their bodie beyond the King at a certayne day to answer to the contrary. And this writ is retournable, & it shall not be granted before that the Bishop of the place where such a Church is, hath certified in the Chancery such resisting and force.

434 *Villanage.*

**T**O hold in pure Ville-

*Vilaica remouenda.*

**V**ilaica remouenda, est vn brieve, & gist lou debate est perenter deux parsons, ou prouisoirs dun Eglise, & lun enter en lesglise oue graunde power de lay homes, & tient l'auter dehors oue force & armes, donques celuy que est tenuis dehors, aaura le dit brieve direct al vicont, que il remoua cest power que est deins lesglise, & serra command al Vicount, que si troue ascun homes luy resistant, que le Vicont prendra ouelque luy la poyar de son County, si besoigne soit, & terra atache per leur corps tous ceux luy resistantes, & les mettera en prison, ainsi que il eyt leur corps deuant le Roy a certayne iour de responder del contrary. Et cest brieve est retournable, & ne serra graunt deuant que Leue que del lieu lou tiel Eglise est, eyt certifie en le Chancery tiel resistance & force.

*Villanage.*

**T**ener en pure Villanage,

The Exposition of

nage, & a faire tout ceo, que le Seignior luy voit commander.

Le diuision de Villenage, est villeine de sank, & de tenure. Et il est villeine de que son Seignior prent redemption de sa fille marrier, & soy mesme enfranchise, & le Seignior puit luy ouste de ses terres ou tenements a sa volunt, & auxy de tous ses biens & chateux.

Et nota bien, que Sokeman nest pas pure villeine, ne villeyne doit pas gard, mariage, ne reliefe, ne faire auters seruices reals.

Er nota bien, que tenure en villeinage ne ferra nul frank home villein, sil ne soit continue ouster letéps de memorie, ne villein terf ne ferra franke home villein, ne franke terre ne ferf villeine franke, sinon que le tenant auoit cōtinue frāks mēte ouster le temps de memory.

Mes vn villein ferra frank terre villein, per leyfin, ou per claime de son Seignior.

nage, is to do all that, that the Lord will him command.

The diuision of Villenage, is villein of blood, & of tenure. And he is a villein of whom the Lord taketh redemption to marry his daughter, and to make him free, and it is he whom the Lord may put out of his lands or tenements, at his will, & also of all his goods & cattell.

And note well, that a Sokeman is no pure villein, nor a villeine oweth not ward, marriage, nor reliefe, nor to doe any other seruices reals.

And note well, that the tenure in villeinage shall make no free man villein, if it be not continued euer with time out of minde, nor villein land shall make no free man villein, nor free land shall make no villein free, except that the tenant haue continued free beyond the time of memory.

But a villein shall make free land villein, by settin, or by clayme of the Lord.

And

And note well, that if a villeine purchase certaine land, and take a wife and alien, and dyeth befoze the claim or seisin of the Lord, the wife shall be endowed.

And note well, that in case that the Lord bying a Precipe quod reddat againt the alienee of his villein, which boucheth to warrant the issue of the villein which is villein to the Lord, he shall haue the voucher. And by protestation the Lord may ( notwithstanding that he pled with his villein ) saue that his villeine shall not bee enfranchised.

And note well that a Bastard shall neuer bee iudged villeine, but by knowledge in court of record.

And note well, that if debt be due by a Lord to a freeman, and he maketh two men his executors, the which be villeines to the said Lord, and dyeth the villeines shall haue an action of Debt againt the Lord. And notwithstanding that he pleade with them, and if he make pro-

Et nota bien, que si villein purchase certain terr, & prent feme & alien, & deuie deuant le claime ou seisin de son Seignieur, la feme serra endowe.

Et nota bien, que en case que le Seignieur port Precipe quod reddat enuers le alienee son villein, le quel vouch a garantir le issue de le villein que est villein al Seignieur, il auera le voucher. Et per protestation le Seignieur poit ( non obstant que il plede ouc son villein, ) saue que son villein ne serra my enfranchise.

Et nota bien, que Bastard ne serra iammais ad-iudge villein, sinon per conusans en court de record.

Et nota bien, que si det soit due per vn Seignieur a vn frank home, & il face deux homes ses executors, les queux sont villeines al dit Seignieur & deuie, les villeines aueront action de Dette enuers leur Seignior. Et ni-ent obstant que il piede ouc que eux, & il face protesta-

### The Exposition of

testation, ils ne serront pur tant enfranchise, pur ceo que ils sont a recouer le dette auantedit al vse de vn auter person, cest ascauoir, al vse leur testator, & nient a leur vse demesne.

Et si le tenant en dower eyt vn Villeine, le quel purchase certaine terre en fee, & puis le tenant en dower enter, el auera le terre a luy & a ses heires a toutes iours. Et mesme le ley est de tenant a terme de ans de vn villeine.

Et nota bien, que le Seignior poit robbe, naufrer, & chastiser son villein a son volunté: saue que il ne poit luy maimre, car donques il auera appeal de Maihem enuers luy.

Et nota bien, que vn villein poit auer trois actions enuers son Seignior, cest ascauoir, vn appeal de mort son auncestor, vn appeal de rape fait a la feme, & vn appeal de Maimre.

Et nota bien, si deux parceners port brieue de Niefte, & lun de eux soit nonsuit, le nonsuit de luy sera iudge le nonsuit

testation, they shall not be thereby enfranchised, for they be to recouer the debt aforesaid to the vse of an other person, that is to say, to the vse of their testator, & not to their owne vse.

And if the tenant in dower haue a billetyn which purchaseth certaine land in fee, and after the tenant in dower entreteth, she shall haue the land to her & to her heires for euermore. And the same lawe is of tenant for terme of yeeres of a billetyn.

And note well, that the Lord may robbe, beat, and chastise his villein at his will: saue only that he may not maimre him, for then he shall haue an appeal of maimre agaynst him.

And note wel, that a billetyn may haue thre actions agaynst his Lord, that is to say, an appeal of the death of his auncestor, an appeal of rape done to his wife, & an appeal of maimre.

And note well, if two parceners bring a writ of Niefte, and one of them be nonsuit, the nonsuit of him shal be iudged the nonsuit of

of them both, so that if that nonsuit bee after appearance, they shall be barred from that action for euer, for the lawe is such in fauour of libertie.

And note well, if two haue a vellein in common, & one of them make to him a manumission, he shal not be made free against both.

And note well, that in a writ de Natiuo habendo, it behoueth that the Lord shew how the defendant commeth to bee partie of the blood of the vellein of whom he is Lord &c. And if he nor none of his ancestors were not seised of none of his blood, he shall not win by his actiō, if the velleine haue not knowledged in Court of record himselfe to bee his vellein.

And note well, that in a writ of Niefie may not bee put more Niefes then two onely, and this was first brought in the hatred of bondage. But in a writ de Libertate probāda, may be put as many niefes as the plaintiffe will.

And note well that if the velleine of a Lord bee

de ambideux, issint que si le nonsuit soit apres appearance, il s'errōt barred de cest actiō a tous iours, car la ley est tiel in fauor rem libertatis.

Et nota bien, si deux ont vn villein en common, & l'un de eux fait a luy vn manumission, il ne serra my enfranchise enus ambideux.

Et nota bien, que en b're de Natiuo habendo, il conuient que le Seignior mostre coment le def. aueign priuie de sank a celuy villeyne de que il est Seignior &c. Et si il ne nul de ses ancestors ne soit seise de nul de son sank, il ne gainera p son action, si le villein nad pas conus en Court de Record luy estre son villein.

Et nota bien, que en vn briefe de Niefie ne purront estre mis plusors niefes que deux tantselement, & hoc intraductum fuit prius in odium seruitutis. Mes en briefe de Libertate probanda, purront estre mis rants niefes come le plaintiffe voudra.

Et nota bien, que si le villeine de Seign our soyt  
Bb. sue



## The Exposition of

sue en auntient demesne del Roy, ou auter ville priuiledge, deins lan & iour le Seignieur poyt luy seyser, & sil demure en la dit ville ou lieu franchise per vn an & vn iour sans le seisin de son Seignieur, il nad my power de luy seiser aps, si il ne va dehors le suisdit franchise.

Et ascuns sont villeynes per title de Prescription, cestascavoir, que tout lour sanke ont este villeins regardants a le maner dun Seignieur de temps dont memory ne court.

Et ascuns sont fayt villeynes p lour confession en vn Court de Record, Auxy le S<sup>r</sup> poit faire vn manumission a son villein & luy infranchi a tous iours.

Auxy si le villeine port ascun action vers son S<sup>r</sup>, si ne soit appeal de mahim, & le Seignieur a ceo sauns protestation fait respons, donques per ceo le villein est franchises.

Auxy si vn villeine purchase terre, & ad biens & vend les ires & biens deuant ascun entre ou seisin

sted in auntient demesne of the king, or other Towne priuiledged, within a yere and a day the Lord may seise him, and if hee dwell in the same towne or other place franchised by a yere and a day, without seisin of the Lord, hee hath no power to seise him after, if hee goe not out of the foresaid franchise.

And some be billetes by title of Prescription, that is to say, that all their bloodde haue beene billetes regardants to the maner of the Lord from time out of mind.

And some be made billetes by their confession in a court of record. Also the Lord may make a manumission to his villein, and make him free for euer.

Also if the villein bring any action against his Lord, if it be not Appeal of mahim, and the Lord without protestation make answer vnto it, then by this h<sup>e</sup> villein is made free.

Also if a villeine purchase land, & hath goods and sel the goods & lands befoze any entre or seisin made

made by the Lord, the sale is good. But the King which is Lord of a villem in such case may enter and seise the land after such sale made, for no time runneth against the King.

435 *Viscount.*

**V**iscount, is euer the name of one degree or state of honour vnder an Earle & aboue a Baron, or else the name of a Magistrate and Officer of great authoritie whome we commonly call (*Shirife*) or to speake more truly (*Shire-reue*) and was at the first called (*Shiregereue*) that is to say the keeper of the shire, or the reue or ruler of the shire, for (*Gereue*) being deriued of the Saxon worde (*Geretea*) to rule, was first called *Geretfa* and then (*Gerefa*) which betokeneth a ruler.

And heresof commeth (*Portreue*, or *Portgreue*) a name that in olde time was given to the head officer of a Towne, and signifieth the Ruler of the Towne, for that (*Port*) coming of the Latine

fait per le Seignieur, la vend' est bon, mes le Roy que est Seignieur de villein en tiel ease poit enter & seiser le terre apres tiel vendic' fait, quia nullum tempus occurrit regi.

*Viscount.*

**V**iscount, est oule nosme de vn degre ou state de honour sous vn Countee & paramont vn Baron, ou le nosme de vn Magistrat & officer del graund aucthority que nous communement appellomus (*Shirife*) ou de parler plus verayment (*Shire-reue*) & fuit al primes appel (*Shire-gereue*) cest a dire custos comitatus, ou le reue ou ruler del Countie, car (*Gereue*) esteant deriue de Saxon parol (*Geretea*) pur rule, fuit al primes appel *Geretfa* & donques (*Gerefa*) que betoken vn ruler. Et de ceo vient (*Portreue* ou *Portgreue*) vn nosme que en viel temps fuit done al chiefe officer dun ville, & signifie le gouernour del ville, p' ceo q' (*Port*) veniens de le latine

## The Exposition of

parol (*Portus*) signifie vn port ville, & (*Gereue*) est deuant dit signifie vn ruler, issint que Portgereue, ou come nous a ore brimet parl ceo (*Portreue*) est le gouverner del ville.

Et issint fuit le chiefe officer ou gouvernor del city de Londres longe temps past (deuant que ils ad le nosme del Maior ou Bayliffes) appel, come il appert en diuers vieulx Monuments: Mes principalement en le Saxon Charter de Guiliam Bastarde le Conquerour, que issint commence,

William le King greit William Bisceop, & Godfrey Ges port Gerefant, and dalle tha Burwarren the on London beon, &c.

Issint ils de Germanie (de que nous & nostre language ensemble primerment vient) appel entre eux vn gouverneur Burgreue, vn auter Margreue, & vn auter Landgreue, oue tielx semblables, &c.

Cest tant est dit tant seulement pur monstrer le droit

word (*Portus*) signifie a Port towne, & (*Breue*) being deriued as is afore said signifie a ruler, so that Portgreue, or as we now shorter speak it (*Portreue*) is the ruler of the Towne.

And this was the head Officer or Gouverneur of the Citie of London long since (before they had the name of mayor or bailiffs) called, as it doth appere in diuers old monumētis. But chiefly in the Saxon Charter of William Bastard the Conquerour, which thus beginneth.

William the king greeteth William the Bishop & Godfrey the Portreue, and also the Citizens that in London be &c.

So also they of Germanie (from whom we and our language together first came) call among them one governor Burgreue, an other Margreue, and an other Landgreue, which such like &c.

Thus much is said only to shewe the right Etymon

Etymon and antiquitie of the word (Shirife) to which officer our common Law hath alwaies accordingle giuen great trust and authoritie, as to be a speciall preseruer of the peace. And therefore all obligations that he takes to the same end, are as recognisances in law.

Hee also is a Judge of record when he holds the Leets or Turnes which are Courts of record.

Also hee hath the execution and returns of writs, & impanelling of Iuries, and such like &c.

436 *Volunt.*  
**V**olunt is, when the tenant holdeth at the wil of the lessor, or of the lord, and that is in two manners.

One is, when I make a lease to a man of lands, to hold at my will, then I may put him out at my pleasure: But if hee sow the ground, & I put him out, then he shall haue his corne, and going out and committing in till they bee ripe to cut and carrie out of the ground.

Etymon & antiquitie del parol (Shirife) a quel officer nostre common Ley ad toutes foits accordant done grand confidence & authoritie, come destre vn speciall preseruer del peace. Et p ceo tous obligations q il prist a mesme le purpose, sont come Recognisans en ley.

Il auxy est vn iudge de record quaut il tient les Leets ou Turnes, les qux sont Courts de record.

Item il ad le execution & retourne des briefes, & empanelling des Iuries, & tiels semblables.

*Volunt.*  
**V**olunt est, quaut le tenant tyent a la volunt del lessor ou del Seignior, & ceo est en deux maners.

Vn est, quant ieo face lease a vn home de terres, a tener a ma volunt, donques ieo puis le ouster a mon pleasure: Mes si il emblee le terre, & ieo luy ousta, donques il auera son embleement, & egressie & regresse ielsques ils sont mature p eux scier & carier hors del terre.

# The Exposition of

Et tiel tenaunt a volunt  
nest pas tenuis de sustainer  
& repaier le meason si-  
come tenaunt a terme de  
ans est tenuis: Mes si il fait  
voluntarie waste, le lessour  
auera vers luy vn action de  
Trespas.

Auxyla est auter tenant  
a volunt del Seignior  
per copie de Court Rolle  
solongue le custome del  
manor: Et tiel tenant poyt  
surrender le terre en les  
maines le Seignior per  
le custome al vse vn auter  
pur terme de vie, ou en  
fee simple, ou fee taile, &  
donques il prendra le ter-  
re del Seignior ou son  
Seneschal per copie, &  
ferra fine al Seignior:  
Mes si le Seignior oust  
tiel tenant, il nadremedie  
mes de suer per petition,  
& si tiel tenant voile em-  
plede vn auter des terres  
&c. il couient enter vn  
plaine en le court, & coui-  
tera en le nature de quel  
brief il voit, sicome le case  
gift.

437 *Voucher.*

**V**Oucher, est quaunt vn  
Præcipe quod reddat  
de terre est port vers vn

And such tenant at will  
is not bound to sustaine &  
repaire the house as a te-  
naunt for terme of years  
is bound: but if he make  
willfull waste, the lessor shal  
haue against him an acti-  
on of Trespass.

Also there is an other  
tenant at will of the Lord  
by copie of Court Rolle  
acording to the custome  
of the Manor: And such a  
tenant may surrender the  
lands into the hands of the  
lord by custome to the vse  
of another for term of life,  
or in fee simple, or in taile,  
and then he shall take the  
Land of the Lord, or his  
Steward by copie, and  
shal make fine to the lord:  
But if the Lord put out  
such a tenant, hee hath no  
remedie but to sue by peti-  
tion, & if such a tenant will  
implede an other of the  
lands &c. hee ought to en-  
ter a plaint in the court, &  
shall declare in the nature  
of what writ he wil, as the  
case lyeth.

*Voucher.*

**V**Oucher, is when a Præ-  
cipe quod reddat of  
land is brought against a  
man,

man, and another ought to warrant the land to the tenant, then the tenant shall vouch him to warranty, & thereupon he shall haue a writ called Summons ad warrantizandum: And if the Sheriffe retourne that hee hath nothing by the which hee may be summoned, the there shall go forth a writ called Sequatur sub suo periculo, & when he cometh hee shall plead with the demandant, & if he come not, or if he come and cannot bar the demandant, the demandant shall recouer the land against the tenant, and the tenant shall recouer as much land in value against the vouchee, and thereupon he shall haue a writ called Capias ad valentiam against the vouchee. Looke more of vouching before in the title Garrantie.

438 Vses.  
Uses of land had beginning after that the custome of property began among men: As where one being seised of landes in fee simple, made a feoffment to another without

home, & vn autre doyt garrant le terre al tenant, donques le tenant luy vouchera a garranty, & sur ceo il auera vn briefe appell Summons ad warrantizandum: Et si le Vicount retourne que il nadiens per per que il poyt estre summon, donques issera briefe appell Sequatur sub suo periculo, & quant il vient il pledera ouesque le demandant, & si il vient & ne poyt barre le demandant, donques le demandaunt recouera la terre vers le ternaunt, & le tenant recouera tant de terre en value vers le vouchee, & sur ceo il auera vn briefe appell Capias ad valentiam vers le vouchee.

Vide plus de Voucher deuant titulo Garranty.

Vses.  
Uses de terre ad son commencement apres q le custome de property commence enter homes: Come cu vn esteant seise de terres en fee simple, fait vn feoffement al vn autre sans

Bb iij.

ascus

## The Exposition of

aucun consideration, mes  
solement meaning que le  
auter serroit seisie al son  
vse, & que il mesme voile  
prendre le commodity &  
profits de les terres, & que  
le feoffee doyt auer le pos-  
session & frankenement  
de ceo al mesme le vse &c.

Ore apres ceo sur bone  
considerations, & pur a-  
uoider diuers mischieses  
& inconueniences, fuit le  
Statute de Añ 27. H. 8. ca.  
10. puruiew, quel vniter le  
vse & possession ensemble,  
issint que il que ad le vse  
de terre, il mesme ad le  
possession de ceo, accord-  
ant al vse que il auoyt  
en ceo per vertue de cest es-  
tature,

any consideration, but only  
meaning that the other  
should be seised to his vse,  
& that hee himselfe would  
take the commodity & pro-  
fits of the lands, and that  
the feoffee should haue the  
possession and franken-  
ment thereof to the same  
vse &c.

Now after this vpon  
good considerations, and  
to auoid diuers mischieses  
and inconueniences, was  
the Stat. of añ 27. H. 8. ca.  
10. prouided, which vniter  
the vse and possession toge-  
ther, so that who hath the  
vse of the land, the same  
hath the possession therof,  
according to the vse hee  
hath therein by vertue of  
that estatute.

439

*Vsury.*

*Vsury.*

**V**Surie, est vn gaine de af-  
cū chose ouster le prin-  
cipall ou ceo que fuit lent,  
exact solement en consi-  
deration de le loan, soyt il  
de Corne, Viande, Appa-  
rell, Wares, ou tielx sem-  
blables, come de money.

Et icy mult poyt e-  
stre dit, & diuers cases

**V**Surie, is a gaine of any  
thing about the princi-  
pall, or that which was  
lent, exacted only in consi-  
deration of the loane, whe-  
ther it be of Corne, Meate,  
Apparel, Wares, or such  
like, as of money.

And here much might  
be saide, and many cases  
might



might bee put concerning  
Usury, which of purpose  
I omit, onely I wish,  
that they who accompt  
themselves religious and  
good Christians would  
not deceiue themselves by  
colour of the Statute of  
Usurie, because the statute  
saith that it shall not bee  
lawfull for any to take a-  
boue x. l. in the C. li. for  
a yeare &c. whereby they  
gather (although faillie,)  
that they may therefore  
take x. pound for the loan  
of an C. li. with a good  
conscience, because the sta-  
tute doth after a sort dis-  
pence withall (for that it  
doth not punish such ta-  
king,) which thing it can-  
not doe with the Lawes &  
ordinances of God, for  
God wil haue his decrees  
to bee kept inuiolable,  
who saith, lend, looking  
for nothing thereby &c.  
By which wordes is ex-  
cluded, either the taking  
of x. l. b. l. yea, or one peny  
aboue the principall. But  
rather let such thinke, that  
that Statute was made  
upon this cause, that mo-  
sed Moyses to giue a bill

pourroient estre mis concer-  
nans Usurie, le quel de  
purpose ie omet, seulement  
ieo pria, que ceux que ac-  
compt eux mesmes religi-  
ous & bone Christians ne  
voient deceiue eux mes-  
mes per colour de le Sta-  
tute de Usurie, par ceo que  
le Statute dit, que il ne  
serra loyall pur ascun de  
prendre ouster x. li. en le  
C. li. pur vn an &c. per que  
ils collect (mes fauxement)  
que ils pourroient per ceo  
prendre x. li. pur le loane  
dun C. li. oue vn bon con-  
science, par ceo que le sta-  
tute solonque vn maner  
dispence oue ceo, (pur  
ceo que il ne punisse ty-  
elx prendors) quel chose il  
ne poit faire oue les leyes  
& ordinances de Dieu, car  
Dieu voyle auer ses de-  
crees obserue inuiolable,  
que dit, lend, expectans  
pur nul chose pur ceo &c.  
Per queux parolx est ex-  
clude, le prisel de x. li.  
v. li. ou de vn denier  
ouster le principall. Mes  
plus pensant tiels que cest  
Statute fuit fait sur tiel  
semble cause, que mou-  
sed Moyses de doner vn bill  
de

## The Exposition of

de diuorce a les Israelites, come nosmement, pur auoier vn greinder mischiefe, & pur le duritie de leur ceurs.

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*Vtlary.*

**V**Tlary, est quant vn Exigent assist vers aucun home de appeare en ascū Court de faire respons al ascun action ou indictmēt, & proclamation fait en v. Counties, donques a le v. Countie si le defendant ne appeare, donques le Coroner donera iudgement que il serra hors de protection de Roy, & hors del eydele ley.

Et per tiel vtlary en actions personals le party vtlage forfeitera tous ses biens & chateux al Roy.

Et per vtlary en felonie il forfeitera auxy bñ tous ses terres & teneims q il ad en fee simple, ou pur terme de sa vie, come ses biens & chateux.

Auxy mesque vn home soyt vtlage, vncore si aucun discontinuance ou erreur soit en la suite des proces, le party de ceo auera la

of diuorce to the Israelites, as namely to auoide a greater mischiefe, and for the hardnes of their hearts.

*Velarie.*

**V**tlarie, is when an Exigent goeth forth against any man, to appear in any Court to make answer to any action or indictment, and proclamation made in que Counties, then at the v. countie if the defendant appeare not, the the Coroner shall giue iudgement that he shall be out of the protection of the king, and out of the aide of the law.

And by such an vtlarie in actions personals the party outlawed shall forfeit all his goods and cattels to the king.

And by an vtlary in felony he shal forfeit aswell all his lands & tenements that he hath in fee simple, or for terme of his life, as his goods & cattels.

Also though a man bee outlawed, yet if any error or discontinuance bee in the suite of the proces, the partie thereof shall haue

ad:

aduantage, and for such cause the vtilarie shall bee reuerfed and adnulled.

And if the partie defendant be ouer the sea at the tyme of the vtilary pronouced, that is a good cause of the reuersal of the vtilarie.

Also if an Exigent bee awarded against a mā in one countie where hee dwelleth not, yet an Exigent to proclamatiō shal go forth to the Countie where he dwelleth, or els if hee bee thereupon outlawed, the vtilarie may be reuerfed, as it appeareth by the statute made the 6. & 4. yere of king H. 8. c. 4.

And if a man be outlawed in an action personall at the suit of an other, & after he purchase his Charter of pardon of the king, such charter shall neuer be allowed, til he hath sued a writ of Scire fac' to warne the party plaintife, & if he appeare, then the defendant shall answer him, & barre him of his action, or else to make agreemēt with him.

441

*Vtrum.*

**V**trum, is a writ, and it lyeth when the right of

aduantage, & pur tiel cause lutlagarie serra reuerse & adnulle.

Auxy si le partie defendant soit ouster la mere al temps del vtilagarie pronounce, ceo est bon cause de reuersal del vtilarie.

Auxy si vn Exigent soit agarde vers vn home en vn countie leu il ne demurra pas, vncore vn exigent oue proclamation islera al countie leu il demurre, ou autrement sil soit sur ceo vtlage, vtlagarie poit este reuerse, come appiert per le statute fait Anno 6. & 4. Henrici 8. cap. 4.

Auxy si vn soit vtlage en action personall al suit dun autre, & puis il purchase son Charter de pardon de Roy, tiel charter ne serra iammais allowe, tanque il ad sue vn briefe de Scire facias de garñle pry plaintife, & si il appeare, donqs le defendant respondera a luy, & luy barreñ de sa action, ou autrement de faire agreement ouesque luy.

*Vtrum.*

**V**trum, est vn briefe, & gist quant le droit de asoun

## The Exposition of

ascun Eglise est aliene & tenuen en lay fee, ou translate en possession dauter Eglise, & le alienour deuie, douques son successeur auera le dit briefe, per que vn enquest serra charge de trier vtrum sit libera elemosina Ecclesie vel laicū feodum.

Et nota que nul que ad couentor common seale, poit maintenir cest brief, mes briefe de Entre sine assensu capituli de alienation fait per son predecesseur.

W.

443

*Waife.*

**W**Aife, est quant vn laron ad feloniouslyment emblee biens, & esteant neerment pursue oue hue & crie, ou autrement surcharge oue le burden ou trouble des biens, pur son ease & plus speedie traiaile, sans hue & crie, sua & waiaua les biens ou ascun part de eux arrele luy &c. donques le officer del Roy, ou le Reeue ou Bailife al Seignour del mannor (deins que iurisdiction ou circ

any Church is aliened & holden in lay fee, or translated into the possession of any other Church, and the alienour dyeth, then his successor shal haue the said writ, whereby an inquest shal bee charged to trie whether it be y free almes of the Church or lay fee.

And note well that none that hath Couent, or common Seale, may maintaine this writ, but a writ of Entre sine assensu capituli of the alienation made by his predecesseur.

W.

*Waife.*

**W**Aife, is when a theefe hath feloniously stolen goods, & beeing neerly followed with hue and crie, or els ouercharged with the burden or trouble of the goodes, for his ease sake and moze speedy traiailing, without hue and crie, fleeth away and leaueth the goodes or any part of them behinde him, then the R. officer or the Reeue or Bayliffe to the Lord of the manor (within whose iurisdiction or circ

cute they were left) that by prescription, or graunt from the King hath the fraunchise of waife, may seise the goods so waived to their Lords vse, who may keepe them as his own proper goods, except that the owner come with fresh suit after the felon, and sue an appeal, or gtue in euidence against him at his arraignment vpon the indictment, and he attainted thereof &c. In which cases the first owner shall haue restitution of his goods so stolen and waigned.

But although as hath been said, Waife is properly of goods stolen, yet waife may be also the goods that are not stolen: As if a man bee pursued with hue and crie, as a felon, and he flyeth, & lea- ueth his owne goods &c. these shall bee taken as goods waived, & forfait as if they had been stolen.

443

*Waive.*

**W**Aiue, is a womā that is outlawed, & shee is called waive, as left out or forsoken of the law, and

cuit ils fueront waife) que per prescription, ou graunt de Roy ad le fraunchise le waife, poyent seiler les biens issint waife al vse de lou seignours, que poi- retaine eux come les pro- per byens, sinon que le owner vient ouesque fresh suit apres le felon, & sue vn appeal, ou done en eu- dence enuers luy al son arraignment sur le in- dictment, & il attraint de ceo &c. En queux ca- ses le primer owner auera restitution de ses byens issint emblee & waife.

Mes nient obstant come ad este dit, waife est pro- perment de byens em- blees, vncore waife poit este auxy de byens nient emblees: Come si vn hōe soit pursue ouesq; hue & crie, come vn felon, & il sue & relinquish ses biens demesn &c. ceux serā prise come biens waife, & forfait come s'ils ad este emblees.

*Waive.*

**W**Aiue, est vn feme que est vrlage, & el est appelle waive, quasi relicta à lege, & nemy

## The Exposition of

nemy vilage come home  
est: Car femes ne sont  
iures en Leetes al Roy,  
ne al Ley, come homes  
sont, queux pur ceo sont  
deins le ley, lou femes  
ne sont, & pur cest cause  
ils ne poyent este dit vr-  
lage, entant que ils ne  
vnques fueront deins  
ceo.

Mes vn home est dit vr-  
lage, pur ceo que il fust  
vn foits iure a le Ley: Et a  
ore pur contempt il est  
mis hors del ley, & di-  
sus vilagatus, quasi extra  
legem positus.

444 *Warwit.*

**W**Arwit, (ou Wardwit  
come ascuns copies  
ad ceo) hoc est quietum  
esse de denarijs dandis pro  
wardis faciendis.

445 *Wast.*

**W**Ast, est lou tenant a  
terme dans, tanant a  
terme de vie, ou tenant  
pur terme d'auer vie, te-  
nant en dower, ou te-  
nant per le curtesie ou  
Gardeine en chivalrie  
fait wast ou destruction  
sur la terre, cest asca-  
uoir, sil debrusa meason,  
ou coupe merisme, ou

not an outlaw as a man  
is: For women are not  
swozne in Leetes to the  
King, nor to the Lawe,  
as men are, who therefore  
are within the law, wher-  
as women are not, and for  
that cause they cannot bee  
said outlawed, insomuch  
as they neuer were with-  
in it.

But a man is called bt-  
law, because that he was  
once swozne to the Law:  
And now for cōtēpt he is  
put out of h law, & is cal-  
led btlaw, as one shold say  
without benefit of the law.

*Warwit.*

**W**Arwit, (or Wardwit  
as some copies haue  
it) that is to bee quitte of  
giving of money for kee-  
ping of wardes.

*Wast.*

**W**Ast, is where tenant  
for terme of yeares,  
tenant for terme of life, or  
tenant for terme of an o-  
thers life, tenāt in dower,  
or tenāt by the curtesie, or  
gardein in chivalrie doth  
make wast or destruction  
vpon h land, that is to say,  
pulleth down the house, or  
cutteth downe timber, or  
suf-

fall:eth the house willingly to fall, or diggeth the ground, then he in the reuerſion ſhall haue one writ for that waſte, & ſhall recouer the place wher the waſt is done, & treble damages. And if a man cutt downe timber without licence, & therewith repairerh old houſes, yet that is no waſt. But if hee with the timber build a new houſe, then the cutting downe of ſuch timber is waſt. Alſo the cutting downe of birchwood, or willowes, which is no timber, ſhall not be ſaid waſt, but if they growe in the ſight or ſhadow of the houſe.

446 Wrecke.

**W**Recke, or Varech, as the Normans from whome it came call it, is where a ſhip is periſhed on the Sea, and no man eſcapeth alſue out of the ſame, and the ſhip, or part of the ſhip ſo periſhed, or the goods of the ſhippe come to the land of any Lord, the Lord ſhall haue that as a wrecke of the Sea. But if a man, or a dog, or cat, eſcape alſue,

ſuffer le meason voluntary pur eſchier, ou foder la terre, donques ceſty en le reuerſion auera vn brief pur eſt waſt, & recouera le lieu ou le waſt ſuit fait, & treble dammages. Et ſi home coupe meriſme ſans licence, & oueſque ceo repaire les aurtient measons vncore ceo neſt pas waſte. Mes ſi il oueſque le meriſme edifa vn nouel meason, donques le couper de tiel meriſme eſt waſt. Auxi le couper de ſubbois ou willowes, que neſt pas meriſme, ne ſerra dit waſt, ſi non que ils creſſant en le view ou ſcite del meason.

Wrecke.

**W**Reck, ou Varech com les Normans de que il vient appellont ceo, eſt quant vn nieſe eſt periſhe ſur le mere, & nul home eſcape viue hors del nieſe, & le nieſe, ou part del nieſe iſſint periſhe, ou les biens del nieſe vient al terre daſcun Seignieur, le Seignieur les auera come vn wreck de le Mere: Mes ſi vn home, ou vn chien, ou chate, eſcape viue, iſſint



The Exposition of

issint que le party a que les biens sont veigh deins lan & iour, & proue les biens destre les, il auera eux ar- rere, per prouision del sta- tute de West. 1. cap. 4. fait en les iours del Roy. E. 1. q en ceo followed le decree de Henry le 1. deuant que iours, si vn niese ad esse iet sur le shore, torne oue tem- pest, & nemy repayre per eux que escapont en vie deins vn certaine temps, q donqs ceo fuit prise come Wrecke.

so that the party to whome the goods belong come within a yeare and a day, and proue the goods to be his, hee shall haue them as- gaine, by prouision of the statute of West. 1. cap. 4. made in King E. 1. dayes who therein followed the decree of Henry the 1. be- fore whose dates, if a ship had bin cast on shore, torn with tempest, & were not repaired by such as esca- ped altho within a certain time, that then this was taken for Wrecke.

447 *Withernam.*

**W**ithernam, Vide de ceo deuant titulo di- stressa.

Withernam.

**W**ithernam, Look there- fore in the title Dis- stressa.

448 *Warren.*

**W**arren est vn lieu pri- uiledged per prescrip- tion ou graunt del Roy pur le preservation del leues- rets, cunicles, perdices & phefants, ou ascun de eux.

Warren.

**W**arren, is a place pri- uiledged by prescrip- tion or graunt of the king for the preservation of Hares, Conies, Partrid- ges, and phefants, or any of them.

FINIS.

Joseph Smith  
1830